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STATE OF NEW YORK. Governor.

PUBLIC PAPERS

OF

ALFRED E. SMITH

GOVERNOR

1920

ALBANY
J. B. LYON COMPANY, PRINTERS
1921

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I

PROCLAMATIONS

I

PROCLAMATIONS

Ordering Special Election to Fill Vacancy in the Office of State Senator for the Forty-eighth District

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, A vacancy exists in the office of Senator for the Forty-eighth Senate District of the State of New York, caused by the resignation on the twenty-seventh day of December, 1919, of Honorable Ross Graves, Senator from said district.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in pursuance of section 292 of chapter 22 of the Laws of 1909, as amended by section 62 of chapter 891 of the Laws of 1911, and constituting chapter 17 of the Consolidated Laws, known as the Election Law, do hereby order and proclaim that an election for State Senator in the place of said Ross Graves be held in the Forty-eighth Senate District, on the third day of February, nineteen hundred and twenty, such election to be conducted in the mode prescribed by law for the election of State Senators.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this third day of
[L. S.] January in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
GEORGE R. VAN NAMEE,
Secretary to the Governor.

National Thrift Week

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, National Thrift Week, January seventeenth to twenty-fourth, 1920, which has the united support of the United States Treasury and of the leading financial, commercial, civic and educational organizations throughout the United States, is well designed to promote the prosperity of our citizens and of our communities, and

WHEREAS, It behooves every economical right-minded citizen to take serious thought to lessen foolish extravagance and waste, to abate inflation of credit, to release through intelligent saving and investment the capital needed to finance production and employment,

to combat unrest and build up a more stable, prosperous and truly American population, and

WHEREAS, The program of economic education of National Thrift Week is well devised to foster all of these desirable conditions,

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do call upon all officers of the State, the Mayors and County officials, the superintendents and teachers of our public, private and parochial schools, and upon each and every citizen, business establishment, industrial plant, trade, civic and other organization, and all employees or members thereof, to exert every effort, individually and through their Community Thrift Committees, to make National Thrift Week a period of constructive thought and action and of economic planning for every one within their several communities.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twelfth day of [L. s.] January in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
GEORGE R. VAN NAMEE,
Secretary to the Governor.

Law and Order Sunday

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, The activities of a small number of the people of our country who desire to accomplish the destruction of our form of government have attracted widespread attention and awakened the public conscience to the necessity of immediate action looking toward the elimination of this element, and

WHEREAS, The Constitution of the United States of America provides sufficient safeguards for life, liberty and property of the individual, and

WHEREAS, A better understanding of the meaning of loyalty, fidelity and confidence is necessary, it is well that we set apart one day of the year for the purpose of explaining more fully the meaning of our Constitution, the justice and necessity for our laws, and impressing upon the public generally the need for a proper respect of the law and the officers thereof,

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do proclaim Sunday, January twenty-fifth, nineteen hundred and twenty,

LAW AND ORDER SUNDAY,

and call upon our citizens generally to offer their prayers that Divine Providence in its wisdom may enlighten the minds and quicken the

understanding of those amongst us — whether alien or native — to a proper conception and a keen appreciation of the aims and purposes of the great government under which we live.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twentieth day of
[L. S.] January in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
GEORGE R. VAN NAMEE,
Secretary to the Governor.

Near East Relief

STATE OF NEW YORK — EXECUTIVE CHAMBER

In spite of the fact that over a year has passed since the signing of the Armistice, the people of Armenia continue to suffer, as before, all the horrors of homelessness, disease, famine and persecution. Added to this is the constant menace of massacre. Reports from the Near East indicate that at any moment the ruthless Turk may sweep down on the remnant of these helpless people, now nominally free of his despotism, and wipe them off the face of the globe.

But at the present moment, with winter upon them it is the danger of starvation which most concerns the humanitarian people of America. We, of our plenty, must give, so that it cannot be said that in the hour of peril, we neglected to do all in our power to save their lives.

Colonel William N. Haskell, who represents both the Allied Powers and the Near East Relief in the Caucasus, reports that more than a million adults are destitute and dependent for bread upon America. Over 250,000 little homeless children beg piteously for our aid. We must not let them die.

The Armenian people stood by us as Allies in the great war. Their noble little army kept the Turks back from the valuable oil fields of Baku, and contributed in this way to the victory of our arms. This little nation, now independent after centuries of grinding oppression, remained faithful to us in the war, even as, through all the centuries, they remained faithful to the Christian religion. It is our duty, therefore, both as Americans and as Christians, to stand by them now.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do call upon the people of New York State to respond generously to the appeal of Near East Relief, the former Committee on Armenian and Syrian Relief, which is now engaged in collecting funds to succor the unfortunate people of Western Asia.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-sixth day of
[L. s.] January in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
GEORGE R. VAN NAMEE,
Secretary to the Governor.

Loyalty Week

STATE OF NEW YORK — EXECUTIVE CHAMBER

"Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God."

With these words of Washington ringing in our ears, we are brought face to face with the present period of industrial and social unrest. Now, if ever, "the event is in the hands of God." The question for us to consider is whether or not the propaganda of disloyal and destructive agitators is to prevail; whether or not our government is to stand for the security of property, for the safety of the individual and the progress of the world. We are now passing through a period of social and industrial unrest in which there is great danger. Now is the time for the exercise of calm consideration and cool judgment. It is, therefore, appropriate at a time when the ideals upon which rests the structure of our government are being assailed by dangerous enemies of our land, and its most sacred traditions, that all loyal Americans should make a clear and definite statement of their devotion to the principles of Liberty, Representative Government, the Supremacy of Law and Enlightened rule of the Majority.

I, therefore, Proclaim the week beginning February twenty-second

LOYALTY WEEK

And urge all the citizens of the State of New York, all the public officials of various communities within the State, all the clergy, to join in making this week a success. I suggest that all mayors invite local enrollment from men and women of the cities under some simple and fundamental pledge of defensive and constructive loyalty; that public meetings be held to discuss the application of wise and effective Americanization problems and that the churches, schools and press cooperate in the effort to combat the effect of insidious and destructive propaganda.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this tenth day of
[L. s.] February in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
GEORGE R. VAN NAMEE,
Secretary to the Governor.

Mothers' Day

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, The American Mother has been the greatest source of the Nation's strength and inspiration; and

WHEREAS, In honoring the mothers of America we emphasize the influence of the home and its beneficient effect upon the life of our country; and

WHEREAS, The American mother has done and is doing much to aid in the moral aspirations and the extension of religious spirit,

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in compliance with the request of the Legislature of the State of New York, expressed in concurrent resolution of the Senate and Assembly, Do Hereby Proclaim, Sunday May ninth, 1920,

at the same time calling upon public officials and citizens generally to display the national flag upon all public buildings, schools, churches, homes and lodges to the end that general attention may be directed to the significance of the day and prayers and votive offerings be made in thanking the Creator for the strong and virile womanhood of our nation.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth day [L. S.] of April in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

For the Relief of the Typhus Stricken Peoples of Central and Eastern Europe

STATE OF NEW YORK — EXECUTIVE CHAMBER

Called upon again and again to give generously to the unfortunates of the world, New York always finds fresh resources with which to respond. Never lacking in sympathy for suffering humanity I am certain that the entire State will give to the stricken peoples of Central and Eastern Europe, if in some measure they can be brought to realize the need.

To these war torn countries the cessation of hostilities and the year that followed have brought not peace and its blessings, but another nightmare of suffering.

Typhus, the scourge among scourges, is sweeping through the land in an epidemic such as the world has rarely known. Millions

of our fellow beings, already exhausted by the sufferings of war are facing that epidemic without medicine, without supplies, without sufficient shelter and all but unclad and unfed. Drained of their power of resistance to disease and almost bereft of the spirit to fight against it they are dying by the thousands.

Self-interest alone would demand that we help them — but the appeal is not to our self-interest; it is to our humanity. Destitution abroad is the menace to our own prosperity. The spread of typhus constitutes a threat, distant now, but serious, perhaps, in the near future to the health of our own people.

These suffering peoples are those for whose deliverance from oppression we offered up our sons on the battlefields. As we sacrificed for them then so in another form are we called to sacrifice now.

Throughout the United States the response to their appeal for help has been generous. The appeal is now to be made in the State of New York. In the City of New York it starts on May second.

The center of commerce and industry, New York State has never failed to heed the cry of distress and, fully realizing that the demands have been many, I urge that the men and women of the State respond with the generosity befitting the leadership and responsibility of the Empire State.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this first day of May
[L. S.] in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Italy Day

STATE OF NEW YORK — EXECUTIVE CHAMBER

The men of Italian birth have for centuries been leaders in the development of the world. Their accomplishments in the field of arts, of letters and of science have been great and far reaching. We of America have benefited materially by their foresight, valor, and scientific attainments as well as by their physical brawn and perseverance.

Italy through her valiant son, Christopher Columbus, gave America to the world. She furnished a haven for the down trodden and oppressed and a land of opportunity for the ambitious and energetic. Her hosts of artists, scientists and men of letters have furnished the world with beautiful, valuable and learned memorials as much admired to-day as they were in early times.

As a reminder of the work of Italian men and women in the development of our State and Nation, and especially in recognition

of her deeds of heroism and the vital part she took in bringing peace to the world and victory to the Allied arms,

I, Alfred E. Smith, Governor of the State of New York, do proclaim Monday, May twenty-fourth

ITALY DAY,

to the end that the men and women of our State may participate in suitable exercises commemorative of her entry into the World War and for the purpose of impressing upon our people the desirability of renewing and cementing the ties of friendship, mutual assistance and amity which have so long existed between the peoples of these two nations.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this seventh day of
[L. S.] May in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

On the Death of Honorable Levi P. Morton

STATE OF NEW YORK — EXECUTIVE CHAMBER

The State of New York unites with the Nation in mourning the death of one of its distinguished citizens.

Levi P. Morton, who died in his 96th year at Ellerslie, Rhinebeck, on the evening of yesterday, was Vice-President of the United States from 1889 to 1893, and was Governor of the State of New York in 1895 and 1896. He was previously a Member of the 46th Congress of the United States and from 1881 to 1885 was United States Minister to France.

Few citizens of the State of New York ever received higher honors. During his long career as a public servant he was steadfast to the highest ideals of the government of this State and Nation. In business life he rose from a clerk in a country store to one of the highest positions in finance in the United States.

In order that the State of New York may recognize and pay a tribute of esteem to one of its most honored and distinguished citizens, I, Alfred E. Smith, Governor of the State of New York, do request that the flag of all public buildings of the State, including armories and arsenals, be displayed at half mast up to and including the day of his funeral, and that the citizens of the State unite in paying suitable respect to the memory of a former Governor of this State and a former Vice-President of the United States.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this seventeenth day [L. s.] of May in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Call for Assistance in Relieving Shortage of Labor on the Farms

STATE OF NEW YORK — EXECUTIVE CHAMBER

Reports have reached my attention from many sources that we are facing a shortage of food products for the fall and winter. The condition is not confined to the State of New York nor to this country, but is part of a world-wide scarcity of food supply.

The farming interests of the State have been handicapped by weather conditions and by a shortage of farm help. There is also the question of inadequate transportation facilities, which is interfering with production as well as transportation. Notwithstanding these handicaps, the farming industry of the State is doing its utmost along the lines of food production.

The present situation requires the co-operation of all classes of citizens. Every effort should be made to assist in providing the necessary help for the farming communities. Assistance along these lines can be afforded by the State Department of Labor, by the various Chambers of Commerce and by our schools and colleges.

The anticipated food shortage can also be remedied to a large extent through the cultivation of every available garden and space of ground, and this work can be greatly assisted by the manufacturing and business interests of the State by furnishing suitable land and garden plots to employees.

The various agencies of the State, including the Department of Agriculture, the Education Department, as well as the Department of Labor, can be of great assistance in helping the farmers and in promoting the cultivation of gardens.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in view of these conditions, do hereby call upon all private agencies, such as schools, colleges, labor, fraternal and business organizations, and upon the agencies of the State, such as the Departments of Labor, Education and Agriculture, as well as upon all private citizens, to assist in every manner in relieving the shortage of labor in connection with the farming industry, and to take every step within their means for the production of as much food as may be possible by gardens or otherwise, to the end that the threatened scarcity of food stuffs may be avoided.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-seventh
[L. S.] day of May in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Polish Day

STATE OF NEW YORK — EXECUTIVE CHAMBER

From the days of the Revolution the Polish people have always had a warm spot in the hearts of American citizens. The memory of Kosciusko and Pulaski are active reminders of the help furnished by the people of that distant land in the establishment of the United States of America.

The thanks of Congress, together with other suitable rewards, were extended to both of these great patriots. It now remains for our people to reciprocate as much as possible for the blood which the Polish generals of American armies shed in aiding us to secure our liberty and freedom.

The Polish nation is about to realize the ambiton of long years of persistent agitation and active warfare. Freedom and independence have come. The centuries of effort are about to be crowned by the realization of the dream of Kosciusko, Pulaski and the hosts of valiant men who fought and died in the cause of freedom.

To defend itself against the aggression of a foreign foe; to retain the fruits of hard won victory; to equip the factories; to rebuild the devastated areas and nourish a well nigh famished population; to provide farm animals, agricultural implements and railway rolling stock and supplies, funds are necessary, and to accomplish all of these purposes a National loan is to be floated in this country.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do proclaim Sunday, June 13, 1920, as

POLISH DAY,

to the end that all the citizens of our State may join with the citizens of Polish birth or descent in furthering by every means within their power the proposed bond issue of the Polish Nation for the purposes specified above and in reciprocation and sympathy for the aspirations and ideals of this new republic.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourth day of
[L. S.] June in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Forest Protection Week

STATE OF NEW YORK — EXECUTIVE CHAMBER

The forests of New York State constitute one of our greatest natural resources and as such are an asset of tremendous value and importance. They are essential to the industrial, physical and spiritual welfare of our State and its people.

The people of the State individually, and acting through their governmental agencies have long endeavored to secure adequate protection of the forests from fire, the most destructive agency that threatens our woodlands.

Realizing that a more earnest and concerted effort is imperative if we are to safeguard our heritage,

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do hereby proclaim the week beginning Sunday, September 12th, 1920, as

FOREST PROTECTION WEEK

and I call upon every citizen to spread broadcast the word of caution regarding forest fires; and upon clergymen, teachers and all public officials to exert themselves to the utmost to inform those with whom they come in contact of the transcendent importance of our forest resources and the need for their adequate protection.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-third day of
[L. s.] July in the year of our Lord, one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Convening the Legislature in Extraordinary Session

STATE OF NEW YORK — EXECUTIVE CHAMBER

Pursuant to the power vested in me by section four of Article four of the Constitution, I hereby convene the Legislature in Extraordinary Session, at the Capitol, in the city of Albany, on Monday, the twentieth day of September, nineteen hundred and twenty, at half past eight o'clock post meridian.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of
[L. s.] August in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Ordering Special Election to Fill Vacancy in the Office of Member of Assembly for the Twenty-third Assembly District, Kings County

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, A vacancy exists in the office of Member of Assembly for the Twenty-third Assembly District of the County of Kings, State of New York, caused by the removal from office by the Assembly of the State of New York of Charles Solomon, Assemblyman from said district;

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in pursuance of Section 292 of Chapter 22 of the Laws of 1909, as amended by Section 62 of Chapter 891 of the Laws of 1911, and constituting Chapter 17 of the Consolidated Laws known as the Election Law, do hereby order and proclaim that an election for Member of Assembly in the place of said Charles Solomon be held in the Twenty-third Assembly District of the County of Kings, State of New York, on the sixteenth day of September, nineteen hundred and twenty, such election to be conducted in the mode prescribed by law for the election of members of Assembly.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of
[L. S.] August in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Ordering Special Election to Fill Vacancy in the Office of Member of Assembly for the Fourth Assembly District, Bronx County

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, A vacancy exists in the office of Member of Assembly for the Fourth Assembly District of the County of Bronx, State of New York, caused by the removal from office by the Assembly of the State of New York of Samuel Orr, Assemblyman from said district;

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in pursuance of Section 292 of Chapter 22 of the Laws of 1909, as amended by Section 62 of Chapter 891 of the Laws of 1911, and constituting Chapter 17 of the Consolidated Laws known as the Election Law, do hereby order and proclaim that an election for Member of Assembly in the place of said

Samuel Orr be held in the Fourth Assembly District of the County of Bronx, State of New York, on the sixteenth day of September, nineteen hundred and twenty, such election to be conducted in the mode prescribed by law for the election of members of Assembly.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of
[L. s.] August in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Ordering Special Election to Fill Vacancy in the Office of Member of Assembly for the Seventeenth Assembly District, New York County

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, A vacancy exists in the office of Member of Assembly for the Seventeenth Assembly District of the County of New York, State of New York, caused by the removal from office by the Assembly of the State of New York of August Claessens, Assembly-from said district;

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in pursuance of Section 292 of Chapter 22 of the Laws of 1909, as amended by Section 62 of Chapter 891 of the Laws of 1911, and constituting Chapter 17 of the Consolidated Laws known as the Election Law, do hereby order and proclaim that an election for Member of Assembly in the place of said August Claessens be held in the Seventeenth Assembly District of the County of New York, State of New York, on the sixteenth day of September, nineteen hundred and twenty, such election to be conducted in the mode prescribed by law for the election of members of Assembly.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of
[L. s.] August in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Ordering Special Election to Fill Vacancy in the Office of Member of Assembly for the Third Assembly District, Bronx County

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, A vacancy exists in the office of Member of Assembly for the Third Assembly District of the County of Bronx, State of New York, caused by the removal from office by the Assembly of the State of New York of Samuel A. de Witt, Assemblyman from said district;

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in pursuance of Section 292 of Chapter 22 of the Laws of 1909, as amended by Section 62 of Chapter 891 of the Laws of 1911, and constituting Chapter 17 of the Consolidated Laws known as the Election Law, do hereby order and proclaim that an election for Member of Assembly in the place of said Samuel A. de Witt be held in the Third Assembly District of the County of Bronx, State of New York, on the sixteenth day of September, nineteen hundred and twenty, such election to be conducted in the mode prescribed by law for the election of members of Assembly.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of
[L. S.] August in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Ordering Special Election to Fill Vacancy in the Office of Member of Assembly for the Eighth Assembly District, New York County

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, A vacancy exists in the office of Member of Assembly)for the Eighth Assembly District of the County of New York, State of New York, caused by the removal from office by the Assembly of the State of New York of Louis Waldman, Assemblyman from said district;

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in pursuance of Section 292 of Chapter 22 of the Laws of 1909, as amended by Section 62 of Chapter 891 of the Laws of 1911, and constituting Chapter 17 of the Consolidated Laws known as the Election Law, do hereby order and proclaim that an

election for Member of Assembly in the place of said Louis Waldman be held in the Eighth Assembly District of the County of New York, State of New York, on the sixteenth day of September, nineteen hundred and twenty, such election to be conducted in the mode prescribed by law for the election of members of Assembly.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of
[L. S.] August in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Ordering Special Election to Fill Vacancy in the Office of Member of Assembly for the Nineteenth Assembly District, Kings County

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, A vacancy exists in the office of Member of Assembly for the Nineteenth Assembly District of the County of Kings, State of New York, caused by the death of John Damico, Assemblyman from said district;

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, in pursuance of Section 292 of Chapter 22 of the Laws of 1909, as amended by Section 62 of Chapter 891 of the Laws of 1911, and constituting Chapter 17 of the Consolidated Laws known as the Election Law, do hereby order and proclaim that an election for Member of Assembly in the place of said John Damico be held in the Nineteenth Assembly District of the County of Kings, State of New York, on the sixteenth day of September, nineteen hundred and twenty, such election to be conducted in the mode prescribed by law for the election of members of Assembly.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixteenth day of
[L. S.] August in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Permitting Employees to Attend the State Convention of the American Legion and the National Convention of the Veterans of Foreign Wars

STATE OF NEW YORK — EXECUTIVE CHAMBER

To the Heads of State Departments, Boards and Commissions:

The New York State Convention of the American Legion will be held in the city of Albany on September tenth and eleventh, 1920.

The National Encampment of the Veterans of Foreign Wars will be held at Washington, D. C., from September thirteenth to eighteenth, inclusive.

Heads of all Departments, Boards and Commissions are requested to permit employees, who were formerly members of the Army, Navy or Marine Corps to attend the Convention of the American Legion at Albany without loss of compensation, and to permit employees who are veterans of foreign wars to attend the encampment at Washington, D. C., without loss of compensation.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this first day of
[L. S.] September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Fixing Date for Enrollment of Boys for Military Training as Required by Law

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, The Military Law of the State of New York requires all boys sixteen, seventeen and eighteen years of age to take such training as the Military Training Commission of the State may prescribe; and

WHEREAS, There is a great need that every young man shall recognize and acknowledge his responsibility to the State in time of peace as well as in time of war and prepare himself to meet his future duties as a citizen by learning to co-operate with the forces of law and order; by learning the lessons of health and hygiene and acquiring a manly carriage; by learning through the habit of discipline to obey properly constituted authority and to exercise over his own mind and body proper self-control; by recognizing as emphasized in this course the importance of vocational training; by actual association of the entire boyhood of the State to destroy class distinction and prejudice and build up a wholesome, happy and con-

fident faith in the purposes of the State and the brotherhood of its people; by developing the qualities of trained leadership evolved in drills, exercises and ordered games; and.

WHEREAS, The Military Training Commission is required to issue to each boy complying with the law, in order that he may legally attend school or be employed, a certificate showing that such boy is enrolled for military training.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do hereby designate Thursday, September 23rd, between the hours of nine o'clock A. M. and nine o'clock P. M. as the time when all boys who are now sixteen years of age or who will become sixteen years of age prior to October 1st, 1920, and those who are sixteen or over and have not yet reached their nineteenth birthday, shall appear in person at the nearest school house to enroll and be credited with compliance with the Military Law of the State.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this seventh day of
[L. s.] September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Permitting G. A. R. Veterans to Attend National Encampment Without Loss of Compensation

STATE OF NEW YORK — EXECUTIVE CHAMBER

To the Heads of State Departments, Boards and Commissions:

The National Encampment of the Grand Army of the Republic will be held at Indianapolis, Indiana, September nineteenth to twenty-fifth, nineteen hundred and twenty.

Heads of all Departments, Boards and Commissions are requested to permit employees who are Veterans of the Civil War to attend the Encampment without loss of compensation.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this tenth day of
[L. s.] September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Fire Prevention Day

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHERES, The President of the United States has by his proclamation called upon the Governors of the various States to set apart and designate October ninth as Fire Prevention Day; and

WHEREAS, It has been demonstrated that the annual waste and destruction of property by preventable fire has reached enormous proportions amounting to millions of dollars, creating hardships and inconvenience to our citizens and causing the loss of many valuable lives; and

WHEREAS, There is at this time an acute shortage of dwelling houses and homes for our people, calling for the keenest conservation of all our resources;

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do hereby designate and set apart Saturday, October ninth, nineteen hundred and twenty, as

FIRE PREVENTION DAY

to the end that all of our people may unite in considering means and methods for preventing the loss and destruction of lives and property by fire, and I call upon the municipal authorities through their firefighting forces to aid in the instruction of our people in ways of carefulness and means for preventing disaster by fire, and I do further call upon the school authorities to enlist our children in the great cause of fire prevention by appropriate exercises and by teaching the younger generation to avoid those acts which may lead to fire and loss.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourth day of
[L. S.] October in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Setting Aside a Day for the Reading of the Covenant of the League of Nations

STATE OF NEW YORK — EXECUTIVE CHAMBER

In our country, and under our form of government great questions of public policy are in the last analysis determined by the people themselves. One of the leading issues in the National campaign appears to be whether or not the United States of America should enter the League of Nations.

There is at present in the country a great cross-current of opinion, upon the subject. The question should be settled intel-

ligently. One factor looking to an intelligent solution is a knowledge of the Covenants of the League. A citizen will better do his duty to the Country by acquainting himself with its provisions. It can best be understood by a reading of it.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do hereby proclaim Sunday, October twenty-fourth, as a day, some part of which should be set aside for a reading of the Covenant by all citizens who desire this great National question disposed of in a manner that will promote the best interests of the United States.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixteenth day of
[L. S.] October in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Girl Scout Week

STATE OF NEW YORK — EXECUTIVE CHAMBER

The National Girl Scouts of America is about to undertake a campaign to seek the co-operation of the public in carrying on its laudable work.

It is appropriate that at this time the State should give some suitable recognition to the Girl Scouts. They have labored diligently to help the sale of Liberty Bonds; they have been very industrious in the collection of funds for the Red Cross and all war work activities, at all times exercising a beneficial influence upon the life of the communities in which patrols and councils have been organized.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do hereby proclaim the week beginning November sixth, and ending November fourteenth, nineteen hundred and twenty,

GIRL SCOUT WEEK

to be dedicated to the development of a better understanding on the part of the people of the State, of the work which this great and influential organization is performing. I solicit for the National Girl Scouts all the encouragement and assistance which the public is able to give.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fifth day of
[L. s.] November in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Membership Campaign of the American Red Cross

STATE OF NEW YORK — EXECUTIVE CHAMBER

The fourth roll call of the American Red Cross will commence November 11th and end November 25th. The membership campaign will be conducted as a tribute to the memory of Florence Nightengale.

The American Red Cross discharged a great obligation during the World War by supplementing the work performed by our national and local authorities, and won the esteem and confidence of the entire American people.

The work of this organization meets the demands of peace as well as the requirements of war, and should have the support of citizens generally, to keep intact its national organization and to furnish means for carrying on its work of humanity in each community in caring for the sick and needy and in protecting the health and welfare of our citizens.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do hereby call upon all of the people of the State to give generous assistance by responding to the fourth roll call of the American Red Cross, and by assisting in the membership campaign to be held from November eleventh to November twenty-fifth, 1920, inclusive.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighth day of
[L. s.] November in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Armistice Day

STATE OF NEW YORK — EXECUTIVE CHAMBER

The armistice terminating the World War was signed on the eleventh day of November, nineteen hundred and eighteen. The second anniversary of this event occurs on November eleventh, nineteen hundred and twenty.

It is fitting that by proclamation this day should be set aside in commemoration of the services performed by the men and women of this country in the great world struggle for the preservation of civilization.

While each recurring anniversary gives us abundant cause for rejoicing in the great part that we played in bringing to an end the

most destructive of all wars, we must at the same time have an opportunity to give vent to the feeling of sadness in the American heart over the loss of all gallant citizens who went over the brink of eternity to preserve the honor, the dignity and the majesty of our great Republic.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do proclaim Thursday, the eleventh day of November, 1920,

ARMISTICE DAY

to the end that all citizens of the State may pay tribute to the heroes who served, and offer their prayers to Almighty God for the repose of the souls of the gallant dead.

In commemoration of the event, the mayors of our cities, the presidents of our villages and the pastors of our churches are requested to have bells tolled on that day at eleven o'clock in the forenoon.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany, this eighth day of
[L. s.] November in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Thanksgiving Day

STATE OF NEW YORK — EXECUTIVE CHAMBER

In accordance with a well-established custom and for the purpose of devoting by proclamation one day of the year to prayers to Divine Providence for a watchful care over our country and our people, we have established a Thanksgiving Day. The long history of our country suggests that we were singled out from among the nations of the earth for special care and special guidance by Divine Providence. Almighty God gave America to the world that it might be a haven of repose and a harbor of refuge for the poor, the down-trodden and the oppressed of every land. As a people, we have worked out His Divine Will, and He, in turn, has blessed us with great resources and made of us a forceful and vigorous people, prospering under the greatest government in the world.

NOW, THEREFORE, To the end that we may give expression to the gratitude that is within us, I, Alfred E. Smith, Governor of the State of New York, do proclaim the twenty-fifth day of November in this year of our Lord, one thousand nine hundred and twenty,

THANKSGIVING DAY,

and request of our people that on that day they gather in their respective places of worship and offer to Almighty God prayers of thanksgiving for the blessings so freely bestowed in the past and to beg of Him that He continue His watchful care, that the great Republic may meet and determine with the aid of His Divine inspiration, the great problems now pressing her for solution.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eighth day of
[L. s.] November in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Christmas Seal Campaign

STATE OF NEW YORK — EXECUTIVE CHAMBER

This is the season of the year when it is customary for the American public to be asked to contribute, by the purchase of Christmas Seals and Health Bonds, for the campaign against tuberculosis, one of the most serious of all diseases and the cause last year of the death of more than 14,352 of our people, one-tenth of all the deaths in our State.

The fund raised in this way supports the work of the National, State and local organizations engaged in the campaign against this disease.

The public health authorities of our Commonwealth and its subdivisions have found these voluntary, unofficial organizations, composed of public-spirited, disinterested physicians and lay-persons, extremely helpful. Through their educational activities they bring home to the public the simple and essential facts about the disease, its prevalence, treatment, cure and prevention. They help to bring about a wider utilization of the available scientific knowledge about tuberculosis by initiating new lines of work and demonstrating that these activities are of practical value and suitable for operation by the agencies of government. They help to create public sentiment for the enactment of necessary health legislation and for the enforcement of existing laws and sanitary regulations.

They have a freedom of action and an elasticity of function which enables them to perform necessary services that the public authorities are unable to render at the time, and are thus able to supplement governmental action.

NOW, THEREFORE, I, Alfred E. Smith, Governor of the State of New York, do hereby proclaim the month of December as the period of the Christmas Seal Campaign.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-eighth day
[L. S.] of November in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

II

MESSAGES TO THE LEGISLATURE

II

MESSAGES TO THE LEGISLATURE

Regular Session Convened January 7; Adjourned April 24

Extraordinary Session — Convened September 20; Adjourned September 24

ANNUAL MESSAGE

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, January 7, 1920.

To the Legislature:

This time a year ago we were in the immediate wake of war and many of the things that appeared to be problems have been happily taken care of by the ingenuity of our people themselves.

Much of the dissatisfaction spoken of and written about has been largely exaggerated. Work is plentiful, and the general condition of prosperity among our people is shown by bank balances and savings bank deposits.

The State of New York contributed 425,000 of its people to the active forces engaged in the great war. Their deeds constitute a brilliant page in our history. Enriched by their experience, they have returned determined to preserve the institutions and ideals of America against her enemies at home or abroad.

Much remains for the government itself to do and, while we have no reason in this life to expect perfection in any line of endeavor, we have reason to expect progress consistent with experience and the enlightened age in which we live.

You are opening your session to deal with questions affecting the life, health, happiness and prosperity of the people of the greatest State in the Union, now the market place of all the world. Let us unite in our prayers to Divine Providence, that we may be given the light to see the right and to do it.

RATIFICATION OF THE TREATY OF PEACE

Over a year has passed since the great war ended. The delirium of joy which swept throughout the land when the armistice was signed thirteen months ago will never be forgotten by man, woman or child of this generation. It expressed the triumph of the leading principle for which this greatest of all wars in history was waged, so eloquently set forth by President Wilson, that no nation should be governed except with the consent of the governed.

This is what I understand to be the right of national self-determination. It is the basis of our Declaration of Independence, and it is the desire and hope of all Americans that the right of self-determination be guaranteed to the smaller nations of the world, and that this principle be applied to every oppressed people struggling for that freedom and self-expression by which America achieved her great place in the society of nations.

In the joy of our people was also expressed a profound yearning to return to the normal paths of industry and peace. Nevertheless, although hostilities ceased thirteen months ago, technically a state of war still exists between this country and the central powers of Europe.

Readjustment to peace conditions in industry and social life has been made difficult by uncertainty, which has greatly contributed to the business and industrial unrest through which we have passed and from which we are still suffering. Our people look longingly to the Federal government at Washington to do away with this harassing uncertainty by solving the international problems in the interest of all the people, without thought of partisan political advantage.

Successful competition of our country offered us in the growing world trade and continued commercial pre-eminence of our State require a speedy settlement of the terms of peace.

The stimulation of industry and the stability of our commercial enterprises will be furthered by the prompt disposition of the pending treaty in the United States Senate. In urging the earliest possible ratification of the treaty of peace, I am expressing the sentiment of the people of this State, without regard to their political affiliations.

I, therefore, recommend to your Honorable Bodies the passage of a resolution calling upon the United States Senators from the State of New York to assist in the immediate ratification of the treaty of peace.

An old enemy of orderly government and organized society has appeared under a new mask. It is called Bolshevism. It thrives on chaos and discontent. It prospers under such conditions as arise from a great war — discontent, insecurity, the high cost of living and the evils growing out of the unnatural conditions of war. We seem to have emerged from a war of arms to a war of ideas. I have a profound faith in the truth of the American ideal triumphantly to resist Bolshevism and unreasoning radicalism. These are at present receiving an unnecessary amount of advertising, on which they thrive.

We are a government by the will of the majority. No other kind of rule is democracy to an American. We ascertain that will by free public discussion. Such rights as that of free speech and free assemblage are fundamental, for without them government by enlightened will of the majority is not possible.

During the war in the interest of national unity and for our common defense against our enemy, every sane American relinquished some of his freedom.

Now that the war is over, we should return to a normal state of mind, and keep our balance, and an even keel.

The anarchist, the violent revolutionist, the underminer of our institutions should receive no mercy at our hands. He does not belong here. But while we should be relentless toward this type of distorted personalities, we must not confuse them with the hundreds of thousands of our brothers of alien stock, who have made America their home and who have helped to build up our great nation by self-respecting labor and their citizenship. Their sons have added luster to our name in the battlefields of the great war. Let us remember them now and let us resent as sinister and as a new expression of the old knownothing spirit, the attaching to all citizens of foreign birth the stigma of radicalism.

I express myself thus feelingly because I know them. I have lived among them. Many of them have been my friends and neighbors. The discontent among them is often the natural homesickness of men and women who do not yet feel at home in their new surroundings. Some of it is due to an exploitation of their helplessness and ignorance. Such discontent every red-blooded man respects. It is different from the destructive spirit of revolutionary firebrands. It should be met by a constructive movement of Americanization, which will make them understand and respect the ideals of America and make them feel at home. The State needs and welcomes to its citizenship the best that the Old World has to give us.

Appreciating as I do the fundamental wholesomeness of the citizen of foreign birth, I am mindful of the danger of spreading the infection of revolutionary propaganda among them. We must immunize them against the infection, by approaching the problem in a spirit of sanity, a thorough and sympathetic understanding and a fearless and courageous meeting of their needs. This is the fundamental basis of any Americanization program.

In this connection we must recognize the necessity of a sound program of social, industrial and governmental betterment, which will remove those causes of discontent which true Americanism requires should be eradicated. This is the basis for my program of reconstruction.

PROBLEMS OF RECONSTRUCTION

Early in the year 1919, in accordance with my first message to the Legislature, I appointed a Reconstruction Commission made up of prominent men and women taken from different walks of life to study the problems of reconstruction and to make recommendations looking to their solution.

I will taket up with your Honorable Bodies in detail at a later date their reports on the various subjects dealt with. These include, principally, a program of retrenchment through the reorganization of the State government and the establishment of an effective executive budget, housing, health, certain educational matters and amendments to our food laws.

The members of the Reconstruction Commission gave unselfishly of their own time and energy, as well as of their own resources, for the welfare of the people of this State. No words of mine would be at all adequate to express the gratitude we should feel for their earnest and unselfish endeavors. Their reports and recommendations, which will be transmitted to you in due time, will speak for themselves. They represent careful, painstaking and intelligent study, and indicate in every particular that the problems of reconstruction were met by a patriotic citizenship with the same zest and the same spirit with which they approached the solution of our war problems. Their recommendations are far-reaching and fundamental, and warrant me in bringing them to your attention as subject-matter of a special message.

EIGHTEENTH AMENDMENT TO THE FEDERAL CONSTITUTION

Many of the best constitutional authorities in the country seriously question whether the Eighteenth Amendment to the Constitution was ever legally adopted, vesting legislative power in the electorate. Some of these questions are now before the Supreme Court of the United States; some presented by citizens, and some by at least one of the states of the Union. I shall not enter into any discussion of the various grounds upon which this contention is based, but simply present to you some phases of the question and ask for your consideration and action upon them.

There is grave doubt as to the power of a number of the State legislatures that have ratified the Eighteenth Amendment to do so in view of the referendum provisions of their respective constitutions vesting legislative power in the electorate. The question seems to depend upon the constitutions of the different states.

Two of the most eminent constitutional lawyers in this State have considered this question and given written opinions in regard to it, in which they state

"Until the question of the effect of these referendum provisions is finally decided, it seems to us that it would be proper and prudent to assume that it may be held by the courts that adverse action on the referendum will nullify the ratification, and that thereby the number of states duly ratifying may be reduced to less than the three-fourths required."

It is my understanding that this question is to be passed upon by referendum in several of the states. Pending their action, and the ultimate decision thereon, the question as to whether the Eighteenth Amendment to the Constitution has been legally adopted may be considered an open question, not only in fact but in law.

The last session of the Legislature passed a resolution ratifying the Eighteenth Amendment. Can that resolution be rescinded? The same eminent counsel that I have before referred to have also passed upon this question and have pronounced the opinion that—

"Where a state legislature has ratified an amendment but before it has become effective by a ratification of three-fourths of the several states, it appears that there has been a change of circumstances or opinion, then the state legislature has the power and ought to voice such change by a resolution of rescission, to the end that the other states may be advised of the true opinion and position of the state in regard to the amendment."

If then, the question is pending in several of the states sufficient in number of themselves or joined with the State of New York to reduce the number ratifying the Eighteenth Amendment below the necessary three-fourths, it would seem to be the duty of the State of New York not only to its own citizens, but for advice to the citizens of other states, to state what its true opinion is, and whether there has been any change in the circumstances or its opinion since the resolution was passed ratifying the proposed amendment to the Constitution.

Force is added to this suggestion because of the circumstances surrounding the passage of the resolution by the Legislature of this State. The members of that Legislature were not elected in view of any proposed amendment to the United States Constitution, that question had not been passed upon by the people of the State in their election. The resolution passed the Legislature by a very narrow margin. The question is not a party one, but in order to enforce its passage it was made the subject of a party caucus, and members of the Legislature whose personal views, and in some instances the well-known views of their local constituents, were opposed to such action, were coerced by the party lash to surrender their own convictions and vote for the resolution.

I am advised that there were members of the Legislature whose personal sentiments and convictions were opposed to ratifying the Eighteenth Amendment to the Constitution, sufficient in number to have prevented the passage by the Legislature of the resolution of ratification, if it had not been for the action of the party caucus.

In view of all these circumstances, and in order that the true opinion and position of the State of New York in regard to the Eighteenth Amendment be ascertained and carried out, and made known to the people of other states, I recommend that the Legislature rescind its prior ratification of the said amendment, and submit the question to the qualified electors of the State at the general election in the year 1920.

I am unable to understand what reasonable argument can be made against submitting to the people any question that interferes with their personal liberty. The man who opposes the submission of that kind of a question assumes the role of the dictator and sets himself up as being unwilling to abide by the will of the majority. He cannot be said to have much faith in democratic govevrnment.

LABOR AND LABOR LEGISLATION

Much of the talk about strikes and labor troubles in the State has been exaggerated. In view of all the difficult conditions and circumstances, labor and capital on the whole have been living together in peace and contentment. The one disquieting sound, made apparent on several occasions, is the tendency of some labor unions to disregard their written agreements with their employers.

It has been called to my attention on several occasions that this action has been taken against the advice of their leaders. A determining factor with business men in ascertaining their manufactur-

ing costs is the agreement fixing their labor costs. These agreements should be kept. No settled and prosperous condition can exist in any branch of industry where there are such uncertainties. There is no more excuse for a labor union repudiating its written pledge than there is for an employer to go back on his given word in any relationship.

Minimum Wage

The benefits that will accrue to a large number of women and children in this State by the removal of the industrial injustice that minimum wage boards seek to remedy must not be permitted to be obscured or clouded by smoke-screens from the reactionary interests of the State, who are pretending that it narrows women's opportunities. I have endeavored, with all the powers at my command, to impress upon your Honorable Bodies that this must not be regarded as legislation in the interest of, or against any group, but as legislation in the interest of the public health and the general welfare, not only of the State as it exists to-day, but for the generations to come. If reactionary organizations are unable to see it in this light, it is most unfortunate, because the arguments which they employ against it could just as reasonably be advanced against every regulatory statute protecting the health of women and minors that has ever been enacted since we have had a State.

Hours of Labor

In recent years experience has taught that excessively long hours do not themselves insure quantity in production, much less quality Workers tired and ineffective from fatigue are no good to themselves or the community of which they are a part. It may be old-fashioned to make distinctions in powers of endurance as between the sexes. If so, I plead for place with the most reactionary elements who believe with our noted scientists that women and minors need a health protection in the point of hours of labor that is not necessary to apply to men. I again affirm my belief that the State should move forward and set a new standard of hours of labor for women and minors, based on a maximum eight-hour day, and ask for the enactment of such legislation applied to industrial and mercantile establishments.

Workmen's Compensation

The provisions of the State Constitution under which the Compensation Law was enacted authorized a statute for the payment of compensation resulting from "injuries." The intent of this constitutional provision has been limited by defining "injuries" in the Compensation Law as meaning "accidental injuries." This limitation deprives the Commission of jurisdiction to award compensation for disability resulting from occupational diseases and occupational injuries.

I recommend that the law be amended in keeping with the constitutional provision, to the end that occupational diseases and

injuries may be subject to its provisions. This will entail a very small increase in cost in comparison with the resulting benefit.

I recommend the creation of a bureau of after-care for injured men and women. Under our present system, after the State decides the amount of compensation, the individual is thrown upon his own resources. I believe that in such cases the State should keep track of the injured man or woman until such time as the Commission, or the Bureau, in their judgment, believes that his or her interests are fully protected. It is to the interest of the State that injured men and women be returned as speedily as possible to the producing classes, and not be left dependent partly upon the compensation allowed as the result of injury and partly, in all probability, on the charity of some person or persons.

It is important that the State prepare to meet Federal legislation on the subject of industrial cripples. There has already passed both Houses of Congress, and is awaiting final amendment, a bill appropriating $1,000,000 for the re-education of cripples. This money will be expended in conjunction with states that make appropriations for the same purposes, and New York State should be prepared to take advantage of this Federal legislation at the earliest moment. We have at our command through the Department of Health, the Department of Education and the Industrial Commission, all of the needed facilities for the complete care of this group of our population.

I would recommend that legislation be enacted which will enable us to take advantage of the Federal appropriation and creating a co-ordinating bureau, on which there shall be representation from the three State Departments named — Health, Education and Labor — which can then adequately supervise the care and rehabilitation of cripples.

Early in my administration I appointed a Special Commissioner, under the so-called Moreland Act, to inquire into the operation and management of the State Industrial Commission. Acting upon his suggestion, during your last session you amended the law so as to guard against the evils of direct settlements between insurance carriers and injured workmen. I will, at a later date, transmit to your Honorable Bodies a full report of the Commissioner, with his recommendations, together with such comment as I may have to make thereon.

HEALTH

Health is more than the concern of the individual; it is the business of the State. I would, therefore, urge upon you the development of a broad health policy for the State, based upon an extension and reorganization of the facilities at the disposal of the Department of Health. In spite of the fact that we are gratified by the steadily diminishing death rate of the State, it is, nevertheless, true that the percentage of rejections for disability under the recent draft indicated an amount of preventable disease that shows the State to be in a condition that is far from satisfactory. The State should recognize herein an admonition because

the situation is due in large part to conditions which should have been and may be prevented by a more careful supervision of health through all periods of life.

I am informed that competent medical advice in the rural districts is becoming more and more difficult to obtain, owing to the tendency of physicians to concentrate in the centers of population. The country districts are in many instances practically abandoned, and earnest efforts to persuade physicians to go into these districts have been largely without result. The time has, therefore, come when there should be some plan of reorganization of health administration within the counties themselves under the supervision of the State Health authorities.

All the problems relating to public health must be kept uninfluenced by any political considerations or policies. Just as your Honorable Bodies have shown great generosity and sympathy with the purposes of the Department of Education, I would urge that the Department of Health receive a liberal share of your attention. The State can make no more profitable expenditure than that wisely made in public health education and in advancing public health administration. It is essential for future progress that the careers open to physicians in the public health service should be made attractive and that the compensation of health officials of all kinds should be more nearly adequate to the service which they should be required to render to the public. In this way only can the best qualified men be attracted to the service and the best results for the State be attained.

As a practical measure, the State should be re-districted in regard to health matters, so that each community could support a proper public health administration. There should be established throughout the State an adequate system of public health centers, in conjunction with local health activities, where the necessary public health supervision can be provided for all classes of the population — for the expectant mother, the infant, the little child, the young adult, and the older men and women of our population.

The State should subsidize the local health efforts and thus bring about a co-ordination of private and public health facilities so that every health center could command the services of a full time health officer and the necessary public health nurses. Public health laboratories should be maintained in each of the larger cities, where necessary work may be undertaken for the counties and the important diagnoses of infectious diseases made. Many diseases are insidious at the onset and their subsequent course may be prevented if the condition can be discovered sufficiently early to administer relief successfully.

I would urge most liberal provision for the Department of Health. Knowing the all too ready tendency to consider expenditure for health protection non-essential, the State must be prepared to step in and, through protective and constructive measures, meet the situation and maintain our citizens at the highest pitch of their health efficiency.

All the information which I have been able to secure during this last year relating to the Department of Narcotic Drug Control has strengthened my conviction to urge upon you the necessity for abolishing this function of the State Government as a separate department, and transferring it as a bureau to the Department of Health.

HEALTH AND MATERNITY INSURANCE FOR INDUSTRIAL WORKERS

Investigations have shown that two-thirds of the cases of poverty depend directly or indirectly on sickness. It is thus a fact that illness falls with crushing weight on those least able to bear the burden. Health insurance assures some measure of that peace of mind which comes from the certainty of proper medical care, the absence of which in cases of illness is always the dread of the worker. It is clearly indicated by recent experience that health protection is essential if we are to have sound, able citizens. There cannot be adequate industrial production, nor can the arts of peace be pursued effectively when people are suffering from the thousand minor and major ills, many of which could be prevented if adequate provision was made for the proper medical care of workers.

If the individual is to have adequate protection, he must be prepared at all times to defray the expenses of a maximum period of illness. This maximum provision by each individual is financially impossible.

Insurance as applied to sickness has thus far developed along three lines; either through the voluntary efforts of the workers, or through their efforts stimulated by government subsidy, or through legislation making insurance obligatory.

I reiterate my belief in the principle that health insurance for industrial workers should be compulsory. Expenditure for voluntary health protection is apt to be considered a non-essential and often would prove too heavy a burden on the budgets of workers. It does not mean that a worker will not be free under health insurance to select a physician of his own choice. It does mean that the worker is assured of the means to provide for proper medical care. The legislation carrying this principle into execution can be so drawn as to safeguard the interests of the medical profession.

Of the benefits of maternity insurance there can be no doubt. Under our present industrial organization, we must assure to workers the certainty that at this most critical period in the lives of mother and child, there will be proper medical care for the mother and the new life which has such potential value to the State.

Linked up with the whole policy of a broad extension of the health activities of the State, there should necessarily be interwoven a compulsory health and maternity insurance, and I once again urge upon you to consider fairly the proposals laid before you and not to be blinded by a specious propaganda directed to appease selfish interests. Health insurance will not in any way endanger the liberties of any individual, professional or lay. It will insure to the State a body of industrial workers fully equipped at all times to meet the drain upon their physical powers.

EDUCATION

Public education is now, as it always has been, of supreme State concern. Our future public safety and welfare depend upon the effective maintenance and operation of our public schools. The privilege of free instruction in schools maintained and supported under State authority is the constitutional birthright of every child in the State. The people's schools must therefore be continued with an increasing degree of efficiency, so that all the State's children may receive therein instruction which will fit them for the responsibilities of citizenship and adapt them suitably to the vocations which they enter. It is recommended that careful consideration be given to every proposal tending to advance the cause of education, having in mind, as we should, that the children of the State are our greatest God-given resource.

At this, my first opportunity, I offer public congratulations to the Legislature of 1919 for the advancement made by legislative enactment in the field of education. There can be no question that your Honorable Bodies have a full appreciation and understanding of the importance of education to the welfare of the people of this State.

The importance of extending educational opportunity to our non-English-speaking citizens and future citizens has already been fully recognized by the State. It seems necessary for the protection of our public institutions that persons of foreign birth should be taught in terms of true Americanism the responsibilities of citizenship. In fact, many of our native-born are sadly lacking in a proper understanding of the aims and purposes of our government. Opportunity of instruction should be given to minors and adults in the continuation and part-time schools, and in night schools and other special classes in subjects tending to fit them for civic responsibility and to give them the benefit of greater occupational efficiency. It is recommended that some comprehensive policy of educational extension be adopted, with a view of affording educational opportunity to our adult citizens generally and especially to prospective citizens of foreign birth.

I would recommend to you, that you extend your undoubted confidence in the Department of Education, and entrust it with the administration of such measures of military training as are deemed advisable for our boys between the ages of 16 and 18, and which are now entrusted to a separate commission. The objectives of such training, obedience, alertness, morale and general physical development, essential to the enlargement of a sound citizenship, can best be attained as part of the school curriculum and without the disadvantages attached to a divided control. The continuation schools will afford the means for reaching boys of these ages, already in industry, and an irksome and expensive machinery can be dispensed with to advantage. Thus will the State in another particular resume its normal course.

The military training to be given to the boys between the ages of 18 and 21 may be carried out as a part of the National Guard system of the State.

MENTAL DEFECTIVES

Estimates based on surveys and established figures drawn from the Medical Department of the Army, show that there are at least 40,000 mental defectives outside of institutions in this State. Our institutions accommodate only 4,000. A large proportion of mental defectives, under proper training and supervision, can be made healthy, happy and useful. Without it many of them drift into criminal classes. Three-quarters of those admitted to institutions, and these, of course, are the worst cases, are capable of some useful labor, whereas left to themselves, they are almost certain to become public charges sooner or later. Unless supervised and controlled they multiply rapidly and produce more mental defectives.

The feeble-minded now are mostly at large, a considerable proportion with improper home surroundings. They are in the almshouses where they do not get the care to make them productive as they could be made in the State institutions. They are in the jails and reformatories under small sentences, upon the termination of which they will be released again to the community.

We not only have no adequate provision of beds, but the appropriations are inadequate to maintain the beds which exist, owing to the increased cost of everything. Two of our institutions have nothing left for maintenance and are maintaining empty beds for the simple reason that they cannot buy food or clothes for new inmates. This condition apparently cannot be remedied for at least two months, and is one which should never be allowed to repeat itself. We need recognition on the part of the people of the State of New York of this problem which is at once humanitarian and of great practical importance. It is safe to say that every dollar spent now on the supervision, training and care of the feeble-minded, will in a few years save the State ten. This problem must be recognized at once and squarely met. Instead of 4,000 beds, 10,000 beds should be provided as soon as they can be built. Our present high standards of new construction should be maintained and the State build for permanency as rapidly as funds will permit.

Institutional care should by no means be the whole program, however, for the feeble-minded. Many who have good homes can live at home, help their families under some guidance and supervision. But supervisory authority, and funds for exercising it, should be given the State Commission for Mental Defectives in order to determine whether the homes are proper or not. This is a vital question, as the homes of the feeble-minded are so frequently bad. In this field, a system of home visiting to follow up persons discharged from our institutions to assure their permanent well-being is recommended for immediate enactment by budgetary provision for such activity.

Existing institutions should be improved. When visiting the Syracuse State Institution for Mental Defectives last August, I was shocked to find that the main building, with old-fashioned interior construction of wood, built in 1854, has dormitories for

feeble-minded children on the fourth and fifth floors. The population of this institution should be reduced by the acquisition of other accommodations until only the ground and first floors of the present building are used for sleeping purposes. The present danger in case of fire, with the character of the population taken into account, can hardly be exaggerated.

STATE HOSPITALS

The hospitals of this State are well and ably managed. With a total census on December 1st of 38,111 patients, the State hospitals for the insane have had a very trying year, principally because of the shortage of physicians and the extreme shortage of ward employees. These conditions have been aggravated by the serious influenza epidemic and the problems resulting from overcrowding. The ward service in the State hospitals calls for a total of 4,382 positions, and on December 1st, 1,020 of these were vacant. This condition is due in part to the actual labor shortage in this country and in part to the low wages paid. If the State is to give the service it should to its unfortunate wards, the salaries of nurses and attendants must be made adequate. The work of caring for the insane requires so much tact, patience and skill that it should be well paid. An increase in wages was granted last year, but a still further and more extensive increase will be necessary this year if the State is to carry on this great humanitarian project in a creditable and praiseworthy manner. The State must meet private competition, and, if we are to continue to secure the services of competent people and to hold those we already have, we must meet the salaries that are offered to them in fields outside of the State employ.

A short time ago I requested Dr. Pearce Bailey and Dr. Hermann M. Biggs to make a survey of several of the State hospitals and to report to me. Their report I have on file in this office, where it is available for reference.

I, therefore, recommend that the Finance Committees of both Houses give serious consideration to the question of making the salaries adequate, in order to command the necessary help.

PRISON REFORM

At the beginning of my administration the Superintendent of Prisons, at my suggestion, appointed a committee of prominent citizens to make a survey of our entire prison system. They gave generously of their time and resources in the interest of this important reform. I will, at a later date, communicate with your Honorable Bodies, transmitting with my communication a full copy of their report and recommendations.

MILK

During the Summer and Fall of last year, through various agencies, an exhaustive study was made of the question of the pro-

duction and distribution of milk. Unlike other foodstuffs, it is an absolute essential for babies, children and invalids. The public health is dependent upon an adequate supply of pure and wholesome milk at a price within the reach of all. I am convinced from the testimony adduced at the numerous hearings on this subject that in the interest of the public welfare, the State, through its law-making body, must declare the production and distribution of milk to be a public utility, subject to regulation and control by the State itself.

At a later date I will submit the reports of the various committees that have been studying the subject, with their suggestions and my recommendations.

AGRICULTURE

Nothing to my mind is more important to the well-being of the State than intelligent promotion of the science of agriculture. That which improves farming and rural life constitutes a direct contribution to the welfare of the people of the State. The busy centers of industry look to the farm for their food and clothing. The State's activity in the field of agriculture is carried on through a Council of Farms and Markets, with related departments and bureaus. I have had an exhaustive investigation made of the operation of this important branch of the government by a commissioner under the so-called Moreland Act, and, at a later date, I shall transmit his report and suggestions, together with my recommendations.

HIGH COST OF LIVING

I have co-operated with all efforts, Federal and local, directed at control of the high cost of living. I placed at the disposal of Federal and local officials the resources of the State in their efforts to detect and prosecute food profiteers, and have had studies and investigations made in the endeavor to find the fundamental facts involved. These clearly indicate necessary changes that will strengthen the food laws of the State, and will be presented to you by the report of the Reconstruction Commission.

In some instances guilt is so personal in these matters, and the profiteers hide behind their constitutional rights to dispose of their own property at a price that suits themselves that it is my belief that only an aroused public opinion can reach them.

The same conditions of shortage and increased costs which give opportunity to food profiteers, have also created the so-called rent profiteer. It has seemed to me apparent that the underlying causes for rent profiteering can be remedied if fundamental housing legislation be enacted. There are many ills that afflict housing and no single remedy is the panacea.

Recommendations will, no doubt, be made to you by your own joint legislative committee appointed to consider the subject, and I will later transmit to you the report and recommendations of the Reconstruction Commission.

PUBLIC SERVICE COMMISSIONS

In my first message to the Legislature of 1919 I asked for a radical change in the structure of the Commission in the First District. This suggestion met with your approval, and I am convinced that the functioning of the Commission in the First District has been materially simplified and that the result has in every way justified your action.

I am in receipt of the first detailed and comprehensive report, dealing with the question of rapid transit railway construction, so written as to be understandable by every citizen in the State.

I renew my suggestion of last year, that you enact legislation giving to both Commissions sufficient power to enforce their orders. As I said in my first message of last year, I will not enumerate the weak spots in detail, but would again refer you to that part of the report of the Joint Legislative Committee appointed to investigate the Public Service Commissions, which was transmitted to your Honorable Bodies on the tenth of March, 1915.

It has also been brought to my attention that rates are fixed by public service corporations under provisions of the statute by the filing of schedules. These rates may at any time be increased by the filing of other schedules without the consent of the Public Service Commission, except in those few cases where the rates have been previously fixed by order of the Public Service Commission after contest and hearing.

It was held by the Court of Appeals in the case of the People ex rel. New York Central Railroad Company v. Public Service Commission, 215 N. Y. 241, that where a schedule fixing a higher rate was filed the rate was presumably reasonable, and the burden of proof was upon the persons or communities who questioned the rate to show its unreasonableness.

During the pendency of this case, and after the decision by the Appellate Division, the Public Service Commissions Law was amended as to common carriers only so that where the rate was increased by the filing of a schedule by a corporation of this class, and a contest was made, the burden of proof was upon the corporation increasing the rate to establish the reasonableness of the rate.

This amendment was made by chapter 240 of the Laws of 1914, which also provided that the Commission might suspend the enforcement of the higher rate pending a hearing. This amendment, however, applied only to common carriers, so that the statute is still in its original condition as to other public service corporations including telegraph and telephone companies, gas and electric companies, and others.

The result is that such public service corporation can increase its rate by filing a tariff to that effect on thirty days' notice, and can collect the higher rate until, after a hearing, a complaining party has proved that the higher rate is unreasonable, and pending such hearing the Commission has no power to suspend the rate, and although it may finally be determined to be unjust and unreasonable, no repayment of the unreasonable excess collected can be enforced.

This question becomes a very practical one under the present conditions, where the telephone company has raised its rates throughout the State, and it will be entirely within its power to prolong the hearings by introduction of pertinent evidence for a very substantial time, during which period it will be able to collect the higher rates, and will be able to retain such collections even though it is ultimately determined that the rates are unjust and excessive.

The Public Service Commission has for a number of years suggested an amendment to the statute placing all public service corporations on the same footing as common carriers have stood since the amendment of 1914.

In all justice to the public such an amendment should be adopted.

MUNICIPAL OWNERSHIP.

Every city in this State, through the Conference of Mayors, has petitioned the Legislature to enact laws empowering municipalities to acquire, own, operate and control their public utilities.

Transportation, light, heat and power are vital to the life and health of great municipalities. History must have taught the unprejudiced mind that these facilities should be under the control of the people who directly use them. I am strongly of the opinion that we have reached the point where the State might well confer this power upon the municipalities, and I urge upon your Honorable Bodies, legislation to bring it about.

CONSERVATION OF OUR UNDEVELOPED WATER POWERS

Another year has passed and added further to our history the folly of permitting our great natural water resources to go undeveloped. We are continuing to drag coal into the State for the purpose of generating electrical energy that could be brought into being by harnessing our great natural resources, and we sit by and permit this energy to run to waste.

During a recent trip on the State Canal it was brought to my attention that the private owners of water power were taking from it the energy required to turn the wheels of private industry along its banks on the one side, while that which is the property of all the people of the State on the other side was being allowed to run to waste.

There are three classes of people interested in water power development. The first class is the old time reactionary individual who believes in private ownership and private development, with a very small if any return to the State. The second class is made up of the men who believe in development by the State, with long leases to private individuals. The third class is composed of men who believe in ownership, development and operation by the State. If the people themselves are to get the full benefit of the development of their water power resources, it will have to be done in conformity with the ideas held by the third class. In every spot in this State where by our past policy we have permitted private

development, nobody has benefited but the individuals who have been lucky enough to secure the rights.

I again urge upon your Honorable Bodies the adoption of a definite policy upon this important question.

WATER STORAGE

I have always advocated and again call the attention of your Honorable Bodies to the necessity of legislation for the better regulation and control of the rivers of the State by the construction of storage reservoirs. This year I appointed the first commission created under the new amendment to the Conservation Law in relation to river regulation districts, in appointing the commissioners for the Black River regulating district. In some parts of our State, notably in the northern section, the flow of the rivers and streams is most uneven and the surplus waters run to waste. This should be regulated, to the end that the industries situated along these streams be furnished with a steady source of power, thus enabling them to furnish continuous and profitable employment to our citizens.

BARGE CANAL AND TERMINALS

In the competition of the nations for world trade, reduced cost of transportation is an essential factor. There is no cheaper form of transportation than that provided by waterways. The Barge Canal can, if fully equipped and completed, become our most valued asset for securing much of the new shipping business awaiting intelligent use of waterways and terminals by a State enterprising and alive to the possibilities of our merchant marine.

The Barge Canal, as a water link connecting the great West and North through the Great Lakes, with New York harbor, can be made an important artery for a thriving trans-shipping business to European markets. Thus it would conserve and develop the commercial supremacy of the State.

In this period of business readjustment and world reconstruction, delay in developing the Barge Canal would constitute a serious neglect of our responsibility.

The State of New York has spent millions of dollars in the construction of the Barge Canal. The money derived from the sale of bonds voted for the construction of the Barge Canal is substantially exhausted. In round numbers, there is about $2,000,000 of bond moneys unexpended, but all of that sum is obligated by outstanding contracts for construction. So that it is a fair statement, I believe, that there are no bond moneys available for further work in connection with the Barge Canal. In addition to this, there are a large number of claims for lands appropriated for canal purposes and for damages caused by the construction of the canal and for damages claimed by contractors, arising out of various construction contracts, that are unprovided for. It is estimated, figuring upon a 30 per cent basis — in other words, figuring that the awards upon these various claims will amount to 30 per cent of the amount of the claims filed — that it will require $10,-

000,000 to meet these claims. These claims are a legitimate part of the cost of the construction of the Barge Canal, and will necessarily have to be provided for. It is possible that some moneys may be derived from the sale of the so-called abandoned canal lands, and some other incidental sources. It is estimated that this sum may possibly reach $2,000,000. This money can, if your Honorable Bodies so determine, be made available for the purpose of meeting some of these obligations.

All of the money available from authorized bond issues for the purpose of constructing terminals along the Barge Canal is exhausted, or is now obligated upon contracts already entered into. It is estimated that it will require about $7,000,000 to complete the system of terminals already planned, but for which contracts have not been let. This, of course, includes sums that it will be necessary to pay for lands appropriated for terminal purposes. So that it seems to be fair to say that it will require from $15,000,000 to $20,000,000 to complete the Barge Canal and the terminals already planned. Added to this should be a sum sufficient to build and equip the terminals with grain elevators in accordance with plans to be submitted by the Superintendent of Public Works.

I add grain elevators for the following reasons:

The terminals that have been planned and provided for, or are under construction, are adequate to the requirements of all canal commerce, except grain.

Since the very inception of canals in New York State, grain has been the bulwark of canal commerce and the commodity sustaining the operations of canal carriers. Over 50 per cent of the normal eastbound canal tonnage is grain and if the State is to be successful in its efforts to encourage the formation of canal transportation companies, equipped to render a service of the greatest value to the shippers of the State, such companies must be assured that grain cargoes may always be obtained on the eastbound movement.

Under present conditions, such assurance is impossible. There are more than twenty grain elevators at Buffalo, owned and operated by railroads and private interests. These elevators could, if they would, load over 1,000,000 bushels of grain to canal barges per day. At New York, however, there are but two elevators equipped to handle grain arriving at New York by canal. These two elevators are owned and operated by railroad lines competing with the canal for the grain traffic from Buffalo. They will not furnish elevation or storage for canal-borne grain, but even if they would, their unloading capacity is but one-quarter of the loading capacity of Buffalo elevators. Practically, therefore, there are no elevator facilities in New York to accommodate the canal grain traffic. As a result of this condition, barges arriving in New York harbor with grain cargoes are compelled to lie from one to four or more weeks awaiting the arrival of ocean vessels. The demurrage charges that accrue make the cost of transportation to the shipper excessive and prohibitive and the loss of use of the barge by the carrier increases cost of operation. Prompt discharge

of barges at New York would insure the greatest utilization of barge equipment. Barges would be able to make a greater number of trips per season, thereby appreciably enhancing their earning capacity and permitting operators to maintain the lowest possible bases of rates. Low rates and efficient service would serve to attract the traffic to the canal in large volume.

Grain elevators, therefore, should be constructed and operated in New York harbor by the State as a part of the general terminal scheme.

Oswego

The Canadian government is now engaged in the improvement of the Welland Canal. The completion of this improvement will permit passage of deep draft lake vessels into Lake Ontario. It is the belief of Canadian authorities that many of the vessels now bringing grain to Buffalo will pass into Lake Ontario when the Welland Canal has been enlarged, discharging their cargoes at the Canadian ports of Kingston and Prescott for furtherance by barge to Montreal for export. There is danger that much of the grain commerce exporting through American ports would be diverted to Montreal by this improved route. New York should have a competing port on Lake Ontario and the Port of Oswego offers excellent facilities. The erection and operation of a grain elevator by the State at Oswego furnishes the argument necessary to influence the improvement of Oswego harbor by the Federal government. With such facilities on Lake Ontario, the grain commerce that might pass Buffalo still would be attracted to the domestic route. Estimates made indicate that grain may be transported by lake and Barge Canal to tidewater through Oswego cheaper than through Buffalo, and there is no question but that modern elevator facilities at Oswego would be a big factor in conserving and developing the canal grain commerce.

Buffalo

Despite the large number of elevators at Buffalo, the volume of grain traffic shipped from that port of recent years has declined in a marked degree. To some extent, the admitted inadequacy of barge equipment, also the situation in New York harbor, has contributed to the decrease in tonnage. There has been available for the business, nevertheless, far more boats than were utilized and the New York facilities, while inadequate, might have accommodated many fold the grain tonnage arriving at that port by canal.

There seems to exist some influence that works against the greatest development of canal grain commerce out of Buffalo and this influence must be counteracted if the waterway is to participate to the extent of its capacity in the grain trade.

Whatever may be the cause, either antagonism, discrimination or excessive charges, there is no influence that would prevail against the greatest development of canal grain commerce if the State acquired, either by construction or purchase, and operated an elevator handling canal grain at Buffalo. If antagonistic interests are withholding grain traffic from the canal, a State elevator would

control the situation, being a part of the State terminal scheme. If discriminatory practices are serving to divert grain traffic from the canal, a State elevator serving the waterway interests alone would remove the discrimination. If elevator charges are too high to permit the successful operation of carriers transporting grain on the canal, the State elevator, not primarily a money making facility, may reduce elevator charges to a basis that enables carriers to absorb such charges and yet operate profitably on a low freight rate, but still meeting the operating and interest cost of the elevator.

It seems to me that after an expenditure of over $150,000,000 for a permanent improvement of the waterways of the State it would be extremely poor business sense not to make the necessary expenditures for its completion, to the end that the State may derive from it the benefits originally intended, and which were promised by the State to the people when they voted the money to build them. Unquestionably, this money should be raised by the issuance of long term bonds, as the improvement here contemplated is intended to and undoubtedly will enure to the benefit of several generations to come.

HIGHWAYS

I favor the continuation of highway construction until a connected and completed system has been secured throughout the State. Realizing that such a system is of utmost value to the State, and, in aiding farmers to get their products to market, will contribute to the reduction of the high cost of living,—I recommend that highway construction be carried on without interruption and as rapidly as conditions will permit. I further recommend that highways be designed of sufficient strength to accommodate modern heavy traffic and that they be built of as durable a type as engineering skill and experience can design in order that future maintenance expense may be reduced to the minimum.

As the unobligated balance of $10,000,000 from the second $50,000,000 bond issue will be required for contracts to be let in 1920, I recommend that careful consideration be given to a method of securing the funds necessary to complete a definite State system. I favor the pay-as-you go plan, which the State has adopted for the construction of hospitals, libraries, normal schools, prisons and armories. It would be much better financiering to say that an armory, a State hospital, or a State prison, calculated to last for years and years, should be paid for out of the proceeds of long-term bonds, than it would be to construct from the sale of bonds highways subject to ever-changing traffic conditions and which last for but a short portion of the life of the bonds issued to build them. Experience has shown that the roads are rebuilt three and four times during the life of the bonds. The only argument which I have heard for a bond issue is that the State would be thereby committed to a specified amount for road construction. I am firmly of the opinion that improved State highways have come to be recognized as such a necessity in this State that no adminis-

tration would be neglectful of the responsibility that would rest upon it to make a reasonable annual appropriation for highway construction.

I shall lay this matter in greater detail before your Honorable Bodies in a later message.

AVIATION

Aviation, having demonstrated its value in war, is being increasingly adapted to the uses of peace. It has, therefore, seemed appropriate to secure for the State the voluntary service of a well-qualified group of experts to develop what may prove to be an important policy for the State, laying the foundations for regulation and control of this science in its application.

I have, therefore, appointed an Aviation Commission, whose report we may expect during your session.

RURAL MOTOR EXPRESS

Important to the traffic of the State is the development of an effective policy of routes for rural motor express service. This can be of such great value in the reduction of foods costs by improving the facilities for marketing farm products, and is so vital to the people, that, acting on recommendations made by the Reconstruction Commission, I appointed an unpaid committee, known as the State Highways Transport Committee, which includes the Commissioner of Highways and representatives of the bureaus and departments dealing with agriculture in the State, whose purpose is, to coordinate the State's policy of highway construction and improvement with the program for the development of rural motor truck express routes in the localities of the State where they will aid most in giving the farmer a more direct outlet for his produce. Thus will be stimulated greater production and assistance given in lowering the cost of living. Should they find legislation necessary, I shall transmit to you any report which they may make.

STATE MILITARY FORCES

Many former officers and enlisted men of the organizations of the National Guard which were inducted into the service of the United States during the World War have returned to State service under the plan submitted in my Special Message to the Legislature of February 13, 1919, and the work of reorganizing the National Guard to conform to the Federal requirements is now engaging the attention of the military authorities. This reorganization has been greatly facilitated by former National Guardsmen, who, when our State forces were taken into the United States army immediately organized and maintained new units to replace them. The strength of the State forces at present is 19,000 officers and men, of which about 3,000 have received Federal recognition as National Guard. I believe that the patriotic citizens who give their time and energy in performing military duty and in building up

necessary organizations for State and National defense should be encouraged in every way.

The record of the New York National Guard in the World War is without parallel in previous wars of our country. Until the various phases of this record are tabulated a full and adequate comprehension of its activities and accomplishments cannot be appreciated.

This great war record of the National Guard and its previous fine record of service on the Mexican border would not have been possible of accomplishment without the years of preparation and training in time of peace, under officers whose zeal in their work has always constituted a striking example of public spirit, and in turn their accomplishments would not have been possible except for the generous policy of the State in its support and maintenance of the National Guard troops during the years preceding the war.

The record of the Naval Militia in the State since its organization in 1891 has also been highly creditable and on account of our geographical situation and maritime interests, it seems essential that such a unit, capable of serving in emergency as a waterfront and marine police, should be continued.

The duty of maintaining an adequate force for the protection of the property, liberty and lives of our inhabitants rests upon the duly constituted authorities of the State. The necessity for such a force is recognized by all and the State Constitution specifically prescribes that such a force shall be maintained at all times, and that the Legislature shall make sufficient appropriations for the maintenance thereof.

The Federal government provides necessary arms, uniforms and equipment for those units which conform to War Department requirements, thus bearing a part of the expense that would otherwise fall upon the State. This fact should be taken into consideration by the Legislature in making appropriations for the military forces.

Certain bills are now before Congress which provide for the reorganization of the National Guard along progressive lines and which are designed to correct certain defects in the present Federal law which were disclosed during the late war. Should these bills be enacted into law, it will be necessary to amend the State Military Law to conform therewith.

Among the relics and records of the State, there are none looked upon with more veneration than the battle flags and standards which were borne by New York State troops in the wars in which the State participated.

The Adjutant-General of this State is the custodian of all such colors, flags and relics, and in order that such may be properly kept and displayed for future generations, it is recommended that the State Architect be instructed to prepare plans and specifications for a "flag room" in some suitable place in the State Capitol, and that a sum of money be appropriated, a small portion being available each year as needed, to cover the costs of such construction.

MERIT AND FITNESS IN THE CIVIL SERVICE

During the past year I reappointed that one of the Civil Service Commissioners whose term expired. An additional vacancy subsequently occurring I filled it by the selection of Mrs. Charles Bennett Smith of Buffalo, thus giving women for the first time direct representation in the State Civil Service Commission.

I am in hearty sympathy with the intelligent endeavors of the Commission generally to advance the efficiency of our State service. Improved methods of examination have been put in operation. These more surely than ever before afford all citizens an equal opportunity to establish their qualifications for public employment.

An amendment to the rules signed by me December 31st places men and women upon an equal footing in examination and certification and thus extends to women still further the political rights already accorded to them.

Progress has been made in carrying out the plan which requires all State agencies to record and rate the capacity and service of employees. Under the system now in force it is believed demonstrated faithfulness and capacity will hereafter more surely have definite weight in promotions and that thus not only will justice be done to employees but that in addition there will be built up for the benefit of the taxpayers of the State a body of employees who will transact that part of the business of the State entrusted to them with constantly increasing interest, accuracy and skill. We can fix the standards of service rendered to the State by giving to the Civil Service Commisson opportunty to develop their work to the point we have a right to expect, by giving the Commission sufficient funds to enable it to do constructive work.

I suggest, also, to your Finance Committees that where you find it absolutely necessary to create new positions to take charge of new activities, that you refrain from fancy titles, giving rise, after the creation of the place, to contention that seeks to have the place exempted from competitive service.

HOME RULE

Each session of the Legislature records the passage of a large number of purely local bills regulating the business and management of municipalities. These bills consume considerable time on the part of the Legislature and the Executive, and they bring to Albany from all parts of the State people interested on both sides of the questions involved. They are in most cases matters of purely local interest which should be settled by some power within the locality itself. Every political platform adopted in this State for as many years back as any one can remember has always contained the promise of a broader and larger measure of local self-government for municipalities; but the temptation to retain control at Albany has never so far been successfully resisted. The municipalities themselves, through their Conference of Mayors, have at every opportunity petitioned the Legislature for this broader grant of home rule. It may be that, in order to bring this about, the Constitution

would have to be amended. If that be so, I urge that whatever can be done by legislation be done and the necessary amendments required to carry forward this principle into force and effect be passed by your Honorable Bodies.

QUARANTINE STATION AT THE PORT OF NEW YORK

Several years ago a Commission was appointed to agree with representatives of the Federal government on a figure at which the Federal government was to purchase the property of the State of New York at the present Quarantine Station on Staten Island. A price was agreed upon, but no appropriation has ever been made by the Federal government. I am informed that the item has been several times inserted in the financial bills, only to be stricken out again.

I have been informed very recently that hearings will be given on the Sundry Civil Bill late in January or early in February, when this particular item will be under discussion. In order that the matter may have the public notice which it deserves, I suggest that your Honorable Bodies pass appropriate resolutions, calling upon the representatives from our State in Congress to bring energy to bear to secure this appropriation, in order that this matter may be permanently closed.

CORRUPT PRACTICES

The Corrupt Practices Act should contain a provision for the publication before election of all campaign contributions, to the end that the public may know what, if any, obligations a candidate has incurred by virtue of a large campaign contribution from interests that would have occasion to seek special favor at the hands of the government. If a public official is to discharge his duties fearlessly and without favor, he should be under no obligation except those which he owes to the people of the State.

LAW'S DELAYS

While the Legislature in recent years has accomplished substantial reforms toward simplifying practice and lessening the law's delays, complaint is still heard. I am informed that there will be presented to your Honorable Bodies by a committee studying the subject a full report during the present session.

I urge all the members of the Legislature and of the Bar to carefully examine the report, so that the purpose and effect of the work may be generally comprehended.

BOARDS OF CHILD WELFARE

In 1915 there was enacted a statute providing for the creation within counties of boards of child welfare. While I am not familiar with the operation of these boards outside of the city of New York, in the great metropolis the board of child welfare has been a great

success. Statistics furnished to me by the State Board of Charities show that 95.8 per cent of all the money appropriated was advanced to widowed mothers for dependent children and that salaries and miscellaneous expenses were very small. It has come under my observation that the boards of child welfare have not been organized generally throughout the various counties of the State. In view of the satisfactory results and the exceedingly low cost, I recommend that by law it be made mandatory upon the counties to appropriate funds for such boards.

STATE INCOME TAX

At the last session of the Legislature there was enacted a State Income Tax Law. It is about to be put into operation, and, while it is entirely too early to form any judgment on that operation, it is not too early to say that the cost to the State of collecting it is excessive. In the departmental estimates, the Comptroller asks, for the fiscal year a sum in excess of $1,000,000 to defray the expense of collecting the income tax.

This I regard as entirely too much. Would it not be well to place the burden of collecting the income tax upon the localities of the State, which now share 50 per cent of it without meeting any of the expense of collecting it?

STATE FINANCES

The financial results of the past year have been far more satisfactory than was expected when the budget for 1919 was formulated. Many of the activities in which the State had entered during the war period have been discontinued and business conditions have been adjusting themselves so that the revenues of the State have been far better than was anticipated when the estimates were made for the year.

The ordinary revenues available for the general purposes of government were $79,833,633.85 or $4,048,554.67 more than the year before, while the expenditures for the same purposes were $78,341,313.01. The revenue receipts exceeded the expenditures for general purposes by $1,492,320.84 and the available cash balance for this purpose at the end of the year was $11,407,937.32, compared with $9,890,616.48 the previous year.

A condensed summary of the operations of the funds for the ordinary support and maintenance of the State government for the year shows:

			Increase
Revenue receipts	$79,833,633 85		$4,048,554 67
Expenditures	78,341,313 01		5,198,741 99
Excess revenue receipts	$1,492,320 84	(—)	$1,150,187 32

Owing to the loss in revenue from the liquor traffic it was necessary to impose a tax on personal incomes and increase the taxes on business corporations, inheritance and motor vehicles, which

with the tax on general property to take care of the sinking fund contributions and the revenue from special taxes is required to provide means to meet the budget appropriations for the support of the government for the current year.

If care is used in framing the budget for the coming year no increases in the revenue laws should be necessary, as those passed last year would seem to be sufficient for the ordinary budget needs.

The following statements furnished me by the State Comptroller reflect all of the financial transactions of the treasury, the State debt and the condition of the sinking funds:

Condensed comparative statement of cash transactions of the treasury with transfers between funds added for the fiscal years of 1919 and 1918.

RECEIPTS

Applicable for general purposes of government:	Year ended June 30, 1919	Year ended June 30, 1918
General Fund:		
General property taxes	$15,067,918 55	$13,203,046 19
Excise taxes	5,487,449 35	11,045,352 65
Corporation tax	27,101,387 04	22,078,638 82
Organization of corporations	816,521 80	819,365 17
Inheritance tax	13,339,582 99	11,433.400 00
Stock transfer tax	6,989,317 08	5,312,032 60
Investment tax	852,847 26	1,399,381 21
Mortgage tax	919,658 79	939,866 11
Motor vehicles	2,509,609 74	2,677,531 65
Racing associations	2,048 23	2,032 00
Nonresident taxes, etc	41,740 52	31,934 38
Total taxes	$73,128,081 35	$68,942,580 78
Other revenues, receipts and loans	7,188,651 81	6,915,019 26
Total General Fund	$80,316,733 16	$75,857,600 04
Canal Maintenance and Repair Fund	78,057 71	21,032 26
Total actual receipts for general purposes	$80,394,790 87	$75,878,632 30
Canal construction funds	925,163 17	353,684 87
Highway construction funds	26,597 29	.....
Sinking Fund revenues and receipts:		
Canal Debt Sinking Fund	2,952,125 91	2,442,525 23
Highway Debt Sinking Fund	852,922 91	689,764 91
Palisades Interstate Park Sinking Fund	19,429 90	17,759 90
Forest Preserve Sinking Fund	2,423 75	.....
Trust Fund revenues and receipts	1,260,471 62	1,253,190 63
Total actual receipts into treasury	$86,433,925 42	$80,635,557 84
Transfers between funds	16,730,981 52	17,431,670 94
Cash balance on hand beginning of year	39,506,837 53	51,998,351 75
	$142,671,744 47	$150,065,580 53

EXPENDITURES	Year ended June 30, 1919	Year ended June 30, 1918
For general purposes of government:		
From General Fund	$62,708,257 33	$57,693,494 84
From Canal Maintenance Funds	2,144,223 07	1,656,029 57
State debt services:		
Interest on debt	9,540,247 50	9,534,860 00
Redemption of debt	695,000 00	95,000 00
Capital outlays from special funds:		
Construction of canals, highways, parks and reservations	13,606,271 42	13,641,281 26
Sinking Fund, investments and payments, exclusive of interest on debt	5,772,430 72	9,662,422 16
Trust Fund investments and payments	639,021 50	842,984 23
Total actual expenditures from Treasury	$95,105,451 55	$93,127,072 06
Transfers between funds	16,730,981 52	17,431,670 94
Cash balance on hand end of year	30,835,311 40	39,506,837 53
	$142,671,744 47	$150,065,580 53

STATE DEBT AND SINKING FUND

A reduction of $6,144,842.61 in the net debt of the State (gross debt less sinking funds) is reflected in the transactions for the year ended in 1919, making a reduction for the last two years of $13,164,807.72. The net debt on June 30, 1917, was $187,620,-331.86, and on June 30, 1919, $174,455,524.14. The reduction for the past year was caused by no new bonds being issued during the year except for temporary purposes, the redemption of $95,000 Saratoga Springs Reservation serial bonds and the increase in the resources of the sinking funds of $6,674,482.61. A statement of the debt transactions for the year follows:

The net State debt on July 1, 1918, was		$180,600,366 75
There was issued during the year:		
Temporary revenue loans of	$625,000 00	
Temporary loans in anticipation of bond sales of	600,000 00	
		1,225,000 00
		$181,825,366 75
The debt redemptions were:		
Temporary revenue loans	$600,000 00	
Saratoga Springs Reservation bonds	95,000 00	
		695,000 00
		$181,130,366 75
During the year the resources of the sinking funds increased		6,674,842 61
Making the net debt June 30, 1919		$174,455,524 14
Or a reduction in net debt for the year of		6,144,842 61

The gross funded debt on June 30, 1918, was $236,214,660, of which $95,000 serial bonds issued for Saratoga Reservation were redeemed and temporary revenue loans for the suppression of the

European corn borer and for the construction of canal terminals issued in anticipation of the authorized sale of long term bonds of $625,000 were outstanding at the end of the year, making the total State debt on June 30, 1919, $236,744,660, for which sinking funds of $62,289,135.86 have been accumulated for the redemption of the bonds at maturity and the payment of the accruing interest thereon. Following is a statement of comparing the total debt, sinking funds and net debt with changes for the year:

	June 30, 1919	June 30, 1918	Increase (+) decrease (—)
Funded debt:			
Canal bonds	$148,000,660 00	$148,000,660 00	.....
Highway bonds	80,000,000 00	80,000,000 00	.....
Palisades Interstate park bonds	5,000,000 00	5,000,000 00	.....
Forest Preserve bonds	2,500,000 00	2,500,000 00	.....
Saratoga Springs reservation bonds	619,000 00	714,000 00	—$95,000 00
Total Funded debt	$236,119,660 00	$236,214,660 00	—$95,000 00
Temporary debt:			
For European corn borer	$25,000 00	.....	+$25,000 00
For canal terminals	600,000 00	.....	+600,000 00
Total State debt	$236,744,660 00	$236,214,660 00	+$530,000 00
Less sinking fund resources:			
Canal Debt Sinking Fund	$40,507,642 96	$36,518,849 88	+$3,988,793 58
Highway Debt Sinking Fund	20,728,235 75	18,245,555 19	+2,482,680 56
Palisades Interstate Park Debt Sinking Fund	721,925 47	608,782 02	+113,143 45
Forest Preserve Debt Sinking Fund	331,331 63	241,106 66	+90,225 02
Total sinking funds	$62,289,135 86	$55,614,293 25	+$6,674,842 61
Net State debt	$174,455,524 14	$180,600,366 75	—$6,144,842 61

The people of this State by popular vote have given authority to their fiscal representative to incur debts aggregating $268,584,660 for the construction of canals, highways and for acquiring State reservations and forest preserve lands.

Under the authorizations so made there have been issued bonds for $236,784,660, of which $665,000 serial bonds for the acquisition of the reservation at Saratoga Springs have been redeemed.

The balance authorized and not issued is $31,800,000, of which $6,800,000 is for the construction of canal terminals, $20,000,000 for the improvement of highways and $5,000,000 for additions to the State forest preserve.

For continuing the construction now under way it will be necessary to sell in the near future some of the bonds authorized for this purpose.

THE BUDGET

The Legislature of 1918 approved a budget for the year ending June 30, 1919, with a contemplated program of expenditure of $81,525,271.31. The total expended during the year 1919, including balances of former budget appropriations was $78,341,313.01, while the unexpended budget appropriation balances on June 30, 1919, after charging off the lapsed balances, aggregated $11,717,457.43.

For the year ending in 1920 the budget as passed by the Legislature in 1919 was $95,840,983.77, with revenues expected for the current year of $104,545,467.34.

The tentative requests for budget appropriations, as filed for the year ending in 1921, as required by law, total $141,272,661.70, and the probable resources available to meet the expenditures for the coming year are estimated at $122,973,037.84.

The Legislature will be importuned during the present session to pass bills carrying authorizations for expenditures, many of which are inconsistent with the public welfare and the condition of the State's finances. A close scrutiny should be made of all measures for spending the public moneys and the greatest care exercised in the preparation of the budget for the coming year with the idea always in mind that economy should be the watchword, and that the State's expenditures should be cut as far as is consistent with efficient administration. If this is done the State can live within its present income without increasing existing tax rates.

For comparative purposes a table of budget appropriations and expenditures for five years with percentages of annual increase is shown as follows:

Year ended	Budget appropriations	Per cent annual increase	Expenditures	Per cent annual increase
1919	$81,525,271 31	2.24	$78,341,313 01	7.11
1918	79,742,834 21	34.92	73,142,571 02	20.13
1917	59,103,450 08	*7.65	60,881,297 84	15.97
1916	63,997,271 68	33.61	†52,496,906 08	*7.95
1915	47,899,527 74	*19.45	57,033,791 33	6.47

* Decrease.
† For nine months' expenditures.

Heavy taxation throughout the country has undoubtedly added to the high cost of living and increased the burden resting upon the shoulders of every man, woman and child in the country. The requests of the various departments will have to be greatly reduced, and they should be, because they are in excess of the actual needs of the State, notwithstanding the increased cost of every activity of the government.

I think it is apparent to everybody that the enactment of the Income Tax Law, levying, as it does, a direct tax upon the incomes of the citizens of our State, places upon the officials a responsibility for a substantial reduction in the cost of government. This can be brought about, to some degree, by suggestions that will come later

from the Reconstruction Commission looking to the simplification of the government of the State by the reduction of the large number of boards, officers and commissions now in existence. The report of the Reconstruction Commission I will transmit to your Honorable Bodies, with my own comment thereon, at a later date in the session.

The duty of making provision for the support of government in the first instance is placed by our Constitution upon the Legislature. I offer to you my earnest co-operation, as well as that of the department heads appointed by me, in the preparation of your appropriation bills.

(Signed) ALFRED E. SMITH.

Transmitting Statement of Appropriations Desired by the Departments of the State

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, January 13, 1920.

To the Legislature:

Pursuant to the provisions of section 26, chapter 130 of the Laws of 1916, I transmit to your Honorable Body a statement of the total amount of appropriations desired by each State department, commission, board, bureau, office or institution.

The State Comptroller has submitted to me an estimate of the probable resources of the State to meet the appropriations of the Legislature of 1920, as follows:

July 1, 1920, estimated available cash balance			$19,863,553 07
Estimated revenues 1920–1921			
General property taxes			
Sinking fund contributions	$14,306,984 77		
Court and stenographer's tax	560,000 00		
Total general property tax		$14,866,984 77	
Special taxes and receipts			
Excise (liquor tax)			
Corporation tax	$30,000,000 00		
Income tax	20,000,000 00		
Organization of corporations	1,200,000 00		
Transfers (inheritance tax)	14,500,000 00		
Stock transfers (stamp tax)	$10,800,000 00		
Investment tax	750,000 00		
Mortgage tax	950,000 00		
Motor vehicle	3,000,000 00		
Canal maintenance and repair fund receipts	100,000 00		
Other revenue and receipts	6,942,500 00		
Total special taxes and receipts		88,242,500 00	
Total estimated revenue 1920–1921			103,109,484 77
Total estimated resources			$122,973,037 84

The total of the requests is $141,824,691.60, and inasmuch as your Finance and Ways and Means Committees have prepared and printed the detail of all requests, I have, with the view of economy, directed my Budget Bureau to make use of the Legislative compilations and thus save the State the amount formerly expended on this duplication.

I have reviewed the various departmental and institutional requests and submit for your consideration suggestions for reductions and additions thereto.

The fact that the departmental and institutional requests for appropriations so far exceed the estimated revenues of the State, I deem it advisable to consider them in two classes.

In the first class I placed what might be considered the overhead or fixed charges of government necessary to carry the various State departments for the fiscal year beginning July 1, 1920, and such amounts as are necessary to supplement the appropriations for the present fiscal year.

In the second class I have placed such requests as may be considered betterments to the State, and the appropriations made for this latter class are to be controlled by the revenues which are then available. In this latter class I have placed the requests for Highway Maintenance and Repair, State Aid for Town, County and Indian Reservation Highways, Federal Aid Rural Post Roads, War Contracts and all requests for construction or acquisition of real estate, both departmental and institutional. It is my belief that items of this character should be presented in special bills so that they may be considered separately so as to determine their relative necessity and importance.

The request of the State Excise Department for deficiency for the present fiscal year and for appropriation for 1920–1921, is placed in the second class, due to the fact that your honorable body will consider the future usefulness of this department.

I have eliminated the items for these functions from the appropriations by the Legislature of 1919, and from the departmental requests for 1920–1921, in order to permit of a proper comparison.

	Appropriations 1919–1920		Requests 1920–1921	
Total		$95,840,983 77		$141,824,691 60
Eliminations:				
Excise	$356,941 25		$419,365 00	
Highway:				
Maintenance and repairs	5,500,000 00		15,000,000 00	
Federal aid	2,150,000 00		2,230,000 00	
State aid	575,000 00		3,750,000 00	
Water contracts	3,000,000 00		3,000,000 00	
Construction	5,827,515 59		29,038,467 10	
Real estate	14,000 00		261,246 02	
		17,423,456 84		53,699,078 12
Comparison		$78,417,526 93		$88,125,613 48

I therefore had to consider departmental and institutional requests of $88,125,613.48, as compared with appropriations of the Legislature of 1919 of $78,417,526.93, and after reviewing the various requests I have made reductions and additions which are

submitted to your Honorable Body as part of this message, and my recommendations total $82,824,322.57, an increase over similar appropriations by the Legislature of 1919 of $4,406,795.64.

Due to the manner in which appropriations have been classified by the Legislature, it is impossible for a comparison of the various items as a whole. In the appropriations for departments, the classifications have been defined for administrative purposes, while the classifications for institutions have been provided to embrace administration, care of inmates or patients, and general upkeep of the institution.

The following tables set forth a comparison, showing the appropriations for 1919–1920, the requests for 1920–1921, and proposed recommendations for 1920–1921, with the increase or decrease in my recommendations over the appropriations of 1919:

DEPARTMENTAL

Expense classification	Appropriations by Legislature, 1919	Appropriations desired from Legislature, 1920	Governor's tentative budget proposals to Legislature, 1920	Governor's tentative budget proposals compared with 1919 appropriations. Increase * Decrease
Personal service	$16,181,966 56	$19,471,332 90	$18,253,462 90	$2,071,496 34
Food	96,750 00	133,300 00	110,500 00	13,750 00
Fuel, light and power	337,775 00	436,929 73	415,175 00	77,400 00
Printing	737,780 00	959,990 00	905,230 00	167,450 00
Printing departmental reports and bulletins	288,650 00	341,795 00	326,075 00	37,425 00
Advertising	284,750 00	316,415 00	313,130 00	28,380 00
Equipment and supplies	1,574,690 00	2,080,817 59	1,869,815 00	295,125 00
Materials	29,620 00	60,350 00	44,470 00	14,850 00
Hired horses and vehicles	12,365 00	16,315 00	15,740 00	3,375 00
Traveling expenses	1,316,332 90	1,663,225 00	1,578,175 00	261,842 10
Communication	525,623 04	598,766 64	574,278 00	48,654 96
Fixed charges and contributions	28,905,515 73	31,421,284 06	31,188,313 06	2,282,797 33
General plant service	295,515 00	406,400 00	358,440 00	62,925 00
Rent	355,999 00	509,108 81	473,263 81	117,264 81
Contingencies	77,849 96	113,600 00	180,200 00	102,350 04
Repairs	432,520 00	975,735 00	896,925 00	464,405 00
Acquisition of real estate	1,710,000 00	.....	.....	*1,710,000 00
Maintenance undistributed	1,275,457 75	1,527,675 00	1,232,810 00	*42,647 75
Total	$54,439,159 94	$61,033,039 73	$58,736,002 77	$4,296,842 83

INSTITUTIONAL

Personal service	$6,931,608 18	$8,162,174 72	$7,691,607 30	$759,999 12
Food	4,946,000 00	6,084,861 56	5,686,250 00	740,250 00
Fuel, light and power	1,778,650 00	2,115,639 89	1,860,500 00	81,850 00
Clothing	748,500 00	1,129,083 60	1,001,200 00	252,700 00
Furniture, etc	763,200 00	1,105,186 47	970,550 00	207,350 00
Medical care	123,500 00	154,719 00	141,825 00	18,325 00
Farm and garden	411,020 00	582,840 45	515,985 00	104,965 00
Roads and grounds	25,845 00	61,459 50	29,050 00	3,205 00
General administration	218,450 00	343,798 65	281,050 00	62,600 00
Office expenses	116,900 00	143,731 60	120,950 00	13,050 00
Traveling expenses	128,900 00	157,775 00	143,750 00	14,850 00
Fixed charges and contributions	570,510 00	584,596 90	579,242 00	8,732 00
Repairs and alterations	619,600 00	961,664 28	799,400 00	179,800 00
Material — special work	16,200 00	21,750 00	.....	*16,200 00
Maintenance undistributed	6,000 00	12,500 00	12,500 00	6,500 00
Total	$17,404,883 18	$21,621,781 62	$19,842,859 30	$2,437,976 12

RECAPITULATION

Departmental	$54,439,159 94	$61,033,039 73	$58,736,002 77	$4,296,842 83
Institutional	17,404,883 18	21,621,781 62	19,842,859 30	2,437,976 12
Deficiency	6,573,483 81	5,470,792 13	4,245,460 50	*2,328,023 31
Total	$78,417,526 93	$88,125,613 48	$82,824,322 57	$4,406,795 64

The request for personal service in the departmental group is $19,471,332.90 as compared with the appropriations for 1919–1920 of $16,181,966.56. In reviewing these requests, I find numerous items for new positions; items for increase over statutory provisions and also excessive requests for individual employees. After consulting with the various department heads, I have eliminated or reduced items of this nature and in making allowances for increases in salaries for the personnel of the State service, I have given due consideration to the increased cost of the necessaries of life, as well as service rendered to the State, and have recommended to your honorable body for favorable consideration, personal service items totaling $18,253,462.90. This is an increase over appropriations for the current fiscal year of $2,071,496.34 or 12.8 per cent.

The request for personal service, institutional group, is $8,162,-174.72 as compared with appropriations for 1919–1920 of $6,931,-608.18. These requests contain numerous items for new positions and while these positions are desirous and would possibly aid in perfecting the upkeep of the institutions and the care of the inmates, there appears to be a more important item to be considered. The conditions existing in the various institutions of the State have been called to my attention and I have directed investigations to be made, in order to determine the causes, which I believe are mainly due to the low salaries provided by statute. I have in my annual message called attention to these conditions and will approve an amendment to the existing statutes necessary to effect relief. While I have recommended increases in salary to the employees in the institutional group, my action has been controlled by statutory provisions which limit the salary that can be paid to certain classes. I have tentatively recommended to your honorable body personal service items for the institutional group totaling $7,691,607.30 This is an increase over the appropriations for the present fiscal year of $759,999.12 or 10.9 per cent.

The items of maintenance and operation set forth increases in the departmental group of $2,225,346.49 and in the institutional group of $1,677,977.00, caused mainly by the general increased cost of commodities and by necessary expansion in State activities which I will review later in this message.

The amount of $6,573,483.81 appropriated by the Legislature of 1919 for deficiency to supplement the appropriations for the fiscal year ended June 30, 1919, is of no comparable value to the amount necessary to supplement appropriations for the present fiscal year, except as it applies to the total funds necessary to be raised by revenue.

The total deficiency necessary to supplement the appropriations for the fiscal year ending June 30, 1920, recommended by me is $4,245,460.50. Of this sum $2,755,645.57 is recommended for the departmental group: $175,716.20 of this amount is for personal service; $24,442.00 being necessary to supplement the appropriations of the Appellate Division which will be refunded to the State

treasury when collected by the counties; $57,166.00 is necessary for the Industrial Commission to carry the Federal Labor Bureaus to the end of the fiscal year; $21,850.00 provides for the salaries of employees in the Public Service Commission, First District; $20,000.00 for Palisades Interstate Park Commission, due to the fact that the private sources from which these salaries have been paid has been depleted; $41,000.00 for the Superintendent of Public Works, due to inadequate provision by the Legislature for labor forces on the maintenance sections of the State canals.

Maintenance and operation items are as follows:

Food, $3,739.73 for the New York State Nautical School.

Fuel, $41,270.00, the largest single item for the Department of Public Buildings.

Printing, $166,280.00 and printing departmental reports, $6,800.00, due to the increased cost of materials and composition.

Advertising, $25,300.00 to the Secretary of State for publication of official notices.

Equipment and supplies, $162,863.31. The largest items being $48,465.00 to the Secretary of State's office for supplying chauffeurs' and inspectors' badges and number plates; $39,000.00 to the State Health Department and the State Laboratory for additional equipment; $7,000.00 to the Public Service Commission, First District; $2,000.00 to the Superintendent of Elections; $4,200.00 to the Department of Public Buildings; $10,000.00 to the State Conservation Commission; $16,000.00 to the Palisades Interstate Park Commission, and $31,600.00 to the Superintendent of Public Works.

Traveling expenses, $107,893.00, due to the increased cost in railroad transportation and hotel expenses.

Communication, $14,024.00, due to the increased cost in the rates for telephone and telegraph.

Fixed charges and contributions, $1,173,626.00, of which $126,-355.00 is for judgments of the Court of Claims, $125,000.00 for the Interstate Bridge Commission to acquire toll bridges between the State of Pennsylvania and the State of New York, $350,000.00 mainly due to the statutory provision for non-resident tuition and to teachers' annuities. For the Division of Agriculture, Department of Farms and Markets, $250,000.00, for apportionment to county fairs, $258,083.00 for apportionment of surplus dog license money to towns, $25,000.00 for repayment of temporary loan for the corn borer, $15,000.00 for enforcing the rabies quarantine, $17,000.00 for the New York State Guard for mounted drills.

General plant service, $12,443.00, mainly made up of two items; Public Service Commission, Second District, $5,000.00 for the reporting of hearings, and $4,000.00 to Syracuse University for the instruction of students of the College of Forestry at the University.

Rent, $26,491.00, made up mainly of items of $16,500.00 for the State Industrial Commission; $2,000.00 for the Superintendent of Elections; $6,873.00 for the Trustees of Public Buildings.

Repairs, $143,000.00, for the Superintendent of Public Works to make repairs to the canal structures of the State made necessary by inadequate appropriation in 1919.

Contingencies, $50,479.00, of which $50,000.00 is for the repayment of the temporary loan for the Lusk Investigating Committee.

Construction, $47,856.14, this for the repayment of a temporary loan for the reconstruction of a building at Potsdam State Normal School.

The recommendation for deficiency for the institutional group is $1,489,814.93. This includes recommendations for personal service of $31,276.42, mainly attributed to provision for taking over the Navy Hospital at Ward's Island, providing the necessary personal service to operate the buildings obtained and relieving congestion in the main hospital.

Amounts of $752,250.00 for food, $85,296.00 for fuel, $238,822.00 for clothing, $194,850.00 for furniture, furnishings, et cetera, $103,150.00 for farm and garden. The necessity for these amounts is mainly due to the inadequate appropriations by the Legislature of 1919. That body provided appropriations for these items practically on the basis of two years ago. Amounts of $18,490 for medical care, $2,200.00 for roads, $35,400.00 for general administration, $8,325.00 for office expenses, $11,497.00 for traveling expenses, $5,800.00 for fixed charges, $428.00 for materials, and $2,000.00 for maintenance undistributed, these amounts being necessary owing to the increased cost of the various commodities for the upkeep of the institutions.

My recommendations taken by functions of government are as follows:

In the Executive Department the increase of $22,570.00 is explained by the fact that an adequate allowance is made to provide for the Moreland Act Fund in the year beginning July 1, 1920, the appropriation of the Legislature of 1919 of $11,000.00 having been supplemented by an appropriation of $40,000.00 in Part II of Chapter 644, part of which is available for the present fiscal year, although recognized as a deficiency appropriation for the fiscal year 1918–1919.

In view of the extraordinary hours that the employees of the Executive Department are called to perform their duties, I have recommended an increase in the personal service items of $8,620.00. This increase is 13.1 per cent.

The increase in the Administrative group is $977,482.00

This is made up of an increase in the office of the Secretary of State of $174,387.00, mainly caused by the operation of the Motor Vehicle Law; the increased cost in printing; the purchase of automobile number plates and the postage on plates to licensees; and by the increase in printing for elections.

An increase to the Comptroller of $839,325.00 is due to the operation of the new Income Tax Law.

There is a decrease in the office of the Attorney General, due to the fact that there is no provision made by that officer for expenses

of fixing the rates for gas, electricity and other commodities for which an appropriation of $50,000.00 was allowed by the Legislature of 1919.

An increase of $10,540.00 in the Civil Service Commission is due to increases in personal service and to the necessity of that department conducting examinations to fill the numerous vacancies in the State service.

There is a decrease in the Legislative group of $5,445.06

There is an increase in the Judicial group of $60,321.34

This is made up principally of an increase in the recommendation for the Appellate Division of $56,605.28. The remaining increase is mainly due to increased compensation to the employees of the various judicial bodies.

The increase in the Regulative group is $921,118.16

The Health Department, including the State Laboratory, presents an increase of $372,790.00, comprised of increases in personal service, traveling expenses and equipment for the new laboratory building. The importance of the functions of this department to the general public welfare demands that adequate provision be made by the State to obtain the services of highly trained, competent employees, and to provide the means to put into effect every protection for public health. I therefore, recommend substantially as presented to me the request of the Commissioner of Health.

The increase for the Industrial Commission is $369,231.66. This increase comprises items of personal service to the amount of $360,757.00 The items of increase in personal service are the acceptance by the State of the burden of the Federal Employment Bureaus as a State activity; the increase provided for by statute for the factory inspectors; the increase provided for the proper administration of the compensation fund, and adequate provision for carrying into effect the operation of various statutes assigned to this department.

The increase for the Public Service Commission, First District, is $21,514.00. This increase provides for salaries for the deputy commissioners for which no provision was made by the last Legislature.

The increase for the Public Service Commission, Second District, is $37,602.72, and is for increased compensation to the employees, and for general maintenance items for the department.

There is an increase of $24,330.00 in the office of the Superintendent of Elections. This increase provides compensation to employees, additional printing and increased rent for the Superintendent's offices.

The increase for the Tax Department is $41,240.00. This increase comprises compensation to employees of approximately $29,050.00, and an increase in printing of $10,000.00.

The increase for the Health Officer, Port of New York, is $73,231.00; $6,806.00 is for personal service; $7.000.00 for food; $7,500.00 for equipment, and an item for repairs of $60,000.00, with smaller increases for the general maintenance of the office.

The increase in the Educational group is $1,336,237.00

The increase for the Education Department is $1,151,008.00. This includes increases in personal service for approximately 750 employees; $700,000.00 to meet statutory provision for support of common schools; $380,000.00 to meet the statutory provision for non-resident tuition; $5,000.00 for teachers' annuities; and $18,500.00 for departmental printing.

The increase for the State College for Teachers and Normal Schools is $102,058.00. This includes an increase in personal service of $64,730.00 to meet the provisions of chapter 558 of the Laws of 1918 and an increase under maintenance and operation necessary for the proper upkeep of the normal schools of the State, the largest items being $9,500.00 for equipment and supplies of an additional building at Geneseo Normal School and $3,500.00 for equipment for the Industrial Teachers' Training Department of the Oswego Normal School.

The recommended increase for Summer Sessions amounts to $30,000.00. It is necessary to provide additional teachers in this extension work. The number of students availing themselves of this opportunity for summer courses far exceeds the provisions made by the last Legislature.

The recommended increase for the Commission for the Blind is $41,621.00, which is deemed necessary to properly provide for this Commission. The President of the Commission has stated that the provision made by previous Legislatures has been totally inadequate to carry on the work provided by statute, and it would be better to abolish the Commission if adequate provision is not made, than to continue it under the conditions which now exist.

The increase for the School of Clay Working and Ceramics at Alfred University iss $2,270.00, and provides for increases in personal service of $980.00, and increases in the general maintenance items of the school.

The increase of $7,615.00 for the New York State Nautical School provides $2,915.00 for personal service, and $4,500.00 for increased cost of food.

The increase in the Agricultural group is $237,770.00

The increase of $33,170.00 for the Agricultural Experiment Station provides $23,870.00 for personal service items necessary to maintain the high standard of this institution. Items for maintenance and operation have been increased as follows: fuel, light and power, $2,000.00; printing reports and bulletins, $3,000.00; and equipment and supplies, $3,000.00.

The increase of $148,165.00 for the Cornell University Agricultural College provides $112,615.00 for personal service items, and is necessary to retain the highly trained scientific men now filling these positions. Items of maintenance and operation have been increased as follows: printing, $1,800.00; equipment and supplies, $4,500.00; traveling expenses, $10,000.00; and communication,

$2,500.00. The item of general plant service is increased $20,250.00, and is for the payment of students at the College of Liberal Arts. The item of repairs is increased $6,500.00.

The increase of $13,185.00 for Cornell University Veterinary College provides $10,750.00 for personal service items, and is necessary to retain the present efficient staff. The remainder of the increase is made up of small items in the general maintenance of the college.

The increase of $5,135.00 for Alfred University Agricultural School provides $3,485.00 for increased compensation to professors.

The increase of $14,460.00 for the State School of Agriculture at Cobleskill provides $7,660.00 for personal service items of the staff and for the reclamation of war veterans. There is also an increase of $6,000.00 for equipment and supplies.

The increase of $4,620.00 for the State School of Agriculture at Delhi provides $2,620.00 for increased compensation to the staff and the remainder in items of maintenance and operation.

The increase of $40,170.00 for the Long Island School of Agriculture provides $30,420.00 for compensation to the staff and for additional positions necessary for the expansion of this school caused by an increased student body. In maintenance and operation the increase for fuel, light and power is $2,250.00; printing, $900.00; and equipment and supplies, $7,500.00.

The increase of $36,940.00 for Syracuse College of Forestry provides $16,490.00, which is considered necessary to retain on the staff the highly trained employees. In maintenance and operation the increase for fuel, light and power is $2,000.00; printing, $2,500.00; quipment and supplies, $5,000.00; materials, $1,500.00; traveling expenses, $1,500.00; communication, $1,500.00; and general plant service, $6,000.00. The latter item is for payments to Syracuse University for students in the College of Forestry.

The increase of $23,150.00 for the State Fair Commission is covered by an item of repairs for $25,000.00.

I recommend $19,810.00 for the New York University Veterinary College. The college has been accepting and training students for veterinary medicine as a State institution since 1913 without the aid of State funds.

The increase in the Defensive group is $225,266.13

The increase of $3,632.00 for Division Headquarters provides $2,870.00 for compensation to the clerical staff of the division, and the remainder for items of maintenance and operation.

The increase of $27,810.00 for the State Arsenal at New York comprises items of personal service, and is explained by the fact that the employees now placed upon the State roster were formerly provided for from the lump sum appropriations made to the New York Guard, and this recommendation will net to the State considerable saving in the future.

The increase of $23,200.00 for the New York Guard provides and increase of $17,000.00 for mounted drills. There is an increase

in the traveling expenses for small arms practice of $15,000.00 and an offset decrease in the personal service of $9,300.00. This decrease reflects in the recommendations for the State Arsenal.

The increase of $179,044.17 for the State Armory Commission, will be refunded to the State when collected by the counties.

The increase in the Protective group is $449,078.30

The increase for the Trustees of Public Buildings is $58,032.81. This is attributed to increased rental space for the housing of State departments outside of the Capitol building.

The increase of $86,976.99 for the Department of Public Buildings provides $50,187.49 for compensation for the 276 employees of the department, and $32,100.00 for increased cost of fuel.

The increase of $110,755.00 for the Conservation Commission provides $76,655.00 for increases in compensation of employees and to meet the statutory provisions for game protectors, rangers and observers. The increase in maintenance and operation is food, $2,500.00; printing, $7,000.00; printing departmental reports, $5,000.00; and equipment and supplies, $24,000.00.

The increase of $8,683.50 for the Saratoga Springs Reservation provides $6,283.50 for increased compensation to the employees, and $2,400.00 for hired horses and vehicles necessary for the grading of the reservation.

The increase of $71,800.00 for the Department of State Police is made up of items of equipment and supplies, $28,000.00; traveling expenses, $25,000.00; communication, $2,500.00; general plant service, $3,600.00; rent, $6,500.00; and repairs, $5,000.00.

The increase of $20,630.00 for the Niagara Reservation provides $12,530.00 for compensation for the employees and $8,000.00 for repairs.

The increase of $139,480.00 for the Palisades Interstate Park Commission provides $75,380.00 for increases in personal service, mainly due to the fact that many of the employees of this State park have been compensated either partially or wholly from what they term "capital funds," which were contributions from private individuals. A great many of the improvements to the park were made from these private funds and resulted in the depletion of the reserve that had formerly been used to supplement State appropriations. It is, therefore, necessary, if the State is to maintain the park in a proper manner to accept this burden. This same condition also applies in the increases in maintenance and operation of $64,100.00.

The increase of $10,770.00 provides for increased compensation and the increased cost of maintenance of all the other parks and reservations of the State.

The increase in the Constructive group is $209,210.00

The increase for the State Engineer of $29,800.00 is covered by increases in personal service of $31,500.00, due to the transfer

to the general fund from bond moneys of employees in the Engineer's office. Increase in maintenance and operation are printing departmental reports, $1,000.00; equipment and supplies, $3,300.00, and traveling expenses, $1,500.00. The total of these increases is offset by a decrease of $5,000.00 for the item of fixed charges and contributions.

The increase for the Department of Architecture of $21,065.00 provides $16,065.00 for increased compensation in personal service necessary to retain the technical men employed by this department. Other increases are printing, $1,500.00; equipment and supplies, $1,500.00 and traveling expenses, $2,000.00.

The increase of $136,860.00 for the Superintendent of Public Works — General Fund — is due to the items for the maintenance and repairs of the Hudson bridge, at Albany.

The increase of $21,485.00 for the Department of Highways provides $13,385.00 for increases in personal service. Increases in maintenance and operation are traveling expenses, $3,000.00; communication, $1,000.00, and general plant service, $3,000.00.

There is a decrease of $1,710,000.00, due to the acquisition of the Hudson river toll bridges.

The increase in the General group is $102,136.00

The increase of $67,180.00 for the Banking Department provides an increase in the lump sum appropriation for the salaries and expenses of the Bureau of Bank Examinations. The increase in maintenance and operation is printing, $3,000.00; equipment and supplies, $1,500.00; communication, $1,000.00, and rent, $4,000.00

The increase of $34,956.00 for the Insurance Department provides $29,456.00 for increased compensation necessary to retain the efficiently trained employees in this department, most of which will be refunded by the corporations examined. There is also an increase of $4,500.00 for the item of printing departmental reports.

The increase in the Canal fund is $697,892.05

The increase of $121,040.00 for the State Engineer provides $101,160.00 for increases in personal service, due to the transfer of employees from construction accounts and bond moneys to the canal fund. A similar condition applies in the increase in maintenance and operation for this office.

The increase of $585,772.05 for the Superintendent of Public Works — Canal Fund — provides $373,872.05 for increases for approximately 1,200 employees and for the operation of the Barge canal terminals throughout the state and for an adequate allowance for the maintenance forces on the eastern, middle and western divisions of the Barge canal. Increases in maintenance and operation are fuel, light and power, $25,000.00; equipment and supplies, $100,000.00; traveling expenses, $5,000.00; communication, $5,000.00, and general plan service, $4,000.00. The item for repairs or reconstruction of existing structures on the canals pro-

vides an increase of $269,600.00. There is an offset decrease of $200,000.00 of an appropriation in 1919 "to provide towing facilities."

There is an increase in the Debt Service of the State of $831,223.91

There is an increase in the Institutional group of $2,437,976.12

Prior to the period in which I considered the requests for the various institutions of the state I had received numerous communications relative to the appropriations for this group for the fiscal year 1919–1920, setting forth the fact that many of the appropriations were inadequate to provide for the maintenance of the institutions. I therefore directed the various fiscal agents controlling the expenditures of these appropriations to prepare such data as would be necessary to aid me in recommending adequate appropriations for the coming fiscal year.

When consideration was given to the requests, I was advised by the Superintendent of State Prisons, by the Fiscal Supervisor of Charities and by the State Hospital Commission, and it was upon advice of these officers and from the data they had compiled that I recommend for the fiscal year 1920–1921, increases in the maintenance and operation of this group as follows: food, $740,250.00 fuel, light and power, $81,850.00; clothing, $252,700.00; furniture, etc., $207,350.00; medical care, $18,325.00; farm and garden, $104,965.00; roads and grounds, $3,205.00; general administration. $62,600.00; office expenses, $13,050.00; traveling expenses, $14,-850.00; fixed charges and contributions, $8,732.00; repairs and alterations, $179,800.00, and maintenance undistributed, $6,500.00.

I have directed my Budget Bureau to render you all possible assistance in your consideration of requests for appropriations and have instructed that it shall place at your disposal all documents and data upon which my recommendations are based.

(Signed) ALFRED E. SMITH.

Transmitting Final Report of Jeremiah F. Connor, Commissioner to Investigate the Management and Affairs of the State Industrial Commission.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, January 19, 1920.

To the Legislature:

I am transmitting to you herewith a copy of the final report made to me by Jeremiah F. Connor, who was appointed by me February 21, 1919, as a Commissioner under section 8 of the Executive Law to conduct an investigation into the management and affairs of the State Industrial Commission.

A preliminary report dealing with direct settlements was transmitted to the Legislature March 31, 1919, following which your Honorable Bodies enacted what is now chapter 629 of the Laws of 1919, modifying the Compensation Law as amended by chapter 157 of the Laws of 1915 so as to require a hearing in every compensation case by the Industrial Commission before the case could be closed. The completion of the investigation into direct settlement cases reveals underpayments of over fifty thousand dollars ($50,000) in one hundred and fourteen cases, and fully demonstrates the wisdom of the Legislature in changing the law so that compensation cases can no longer be settled directly between insurance carriers and employees without a hearing before the Industrial Commission.

The final report now submitted makes a number of recommendations in relation to procedure and reorganization of departments within the State Industrial Commission, which have been taken up directly with the Commission itself. The report also contains a number of recommendations for amendments to the statute. These recommendations have been examined carefully by me, in conference with the State Industrial Commission. I will enumerate the recommendations of the Commissioner, and record my own opinion thereon:

"1. I recommend an amendment to the Compensation Law making it a misdemeanor for any one to receive a fee in connection with a claim for compensation except in an amount determined by the Commission."

This is made necessary by an unfortunate condition now existing in and around the offices of the Commission. It is intended to curb the activities of what are known as "rumors," a class of persons not admitted to the bar who have built up a business of appearing for ignorant claimants before the State Industrial Commission. These "runners" not only impose upon claimants who are rightfully entitled to compensation, but also, acting in concert with undeserving claimants, perpetuate frauds upon employers and insurance carriers. I am informed by members of the Industrial Commission that as many as forty of these "runners" have appeared before the Commission in a single day. Their presence has become a public scandal. In addition to the recommendation made to remedy this condition, I further recommend that it be made a misdemeanor for any person to solicit from claimants the business of appearing for such claimants before the Industrial Commission. These changes in the law, together with administrative changes to be made by the Commission itself, will remedy the abuses.

"2. The creation of a Fourth Deputy Commissioner to be placed at the head of a division for the handling of claims when the injury results in death."

I concur in this recommendation, except that the duties of the additional deputy commissioner should not be limited by statute to this particular work. At the present time the law provides for a second deputy commissioner, who has charge of the entire com-

pensation bureau. It is impossible for this deputy commissioner to properly supervise the work of the department and in addition to sit as a hearing commissioner upon the disposal of claims.

"3. An amendment of section 28 extending the time for filing claims from one year to two years and providing that the time in disability cases shall commence to run from the date of disability instead of from the date of the accident."

This recommendation is made by reason of the large number of claims disallowed for failure to file the claims within one year.

"4. An amendment to section 13 requiring that a panel of physicians be designated by the Commission, utilizing the advice of recognized medical societies, among whom injured workmen may have free choice, with power conferred on the Commission to add to, or to remove from, such panel, at their discretion."

This recommendation is designed to provide a panel of physicians designated by the Commission from which injured employees may have free choice. The provision of the statute in regard to medical service has given considerable trouble and has been a source of much criticism both on the part of medical societies and of employees generally. As the law has worked out, the attending physician in the great majority of cases is selected by the insurance companies, so that the medical testimony upon the hearing of a claim controlled by them to a large extent. On the other hand, it has been found that an absolutely free choice of physicians on the part of the injured workmen has not resulted in the best treatment. I believe that the Commission might well be given discretionary power to appoint panels of physicians, and I concur in this recommendation. As far as it can reasonably be done, freedom of choice should be left with the injured workmen as to the physicians by whom he is to be treated.

"5. An amendment of section 34, making claims for compensation and death benefits and awards made thereupon preferred over all other claims against, and debts of, insurance companies as well as employers."

I concur in this recommendation because I believe that this preference should be extended as against insurance companies.

"6. Definite provision should be made permitting the Commission to call and require to be paid into a trust fund the present value of awards against all insurance companies."

I concur in this recommendation, and my concurrence is prompted by the failure of one insurance company since the law became effective, resulting in much delay in the payment of claims, and in many cases, where the employer was irresponsible, in the failure to pay compensation entirely.

"7. A new section should be added to the law requiring stock companies to set up and maintain reserves to meet the actual liability upon each claim instead of setting up as reserves a percentage of its premiums."

At the present time mutual insurance companies and the State Insurance Fund are required by the Superintendent of Insurance to set up and maintain reserves to meet the actual liability on each individual claim, whereas the reserve required from stock companies is based upon an arbitrary percentage of their premiums. The method permitted for the stock companies is open to the criticism that the liability may be higher than the arbitrary percentage named by the Superintendent of Insurance, or, where the losses are low, large profits may be concealed. I concur in this recommendation.

"8. Self insurers should be required to set up and deposit reserves in the same manner and in the same amount as other insurance carriers."

I understand that self insurers are now required by the Industrial Commission to deposit securities sufficient to meet all claims for compensation. I believe that specific authority should be conferred for the practice now employed by the Commission in this respect, and this I believe would make unnecessary the recommendation made by the Commissioner.

"9. An amendment making all employers failing to give security for compensation automatically insured in the State fund, and establishing a summary method for the collection of premiums and penalties for the period during which the insurance attaches."

After long conference with the members of the State Industrial Commission, I feel compelled to disagree with Recommendation No. 9. While it is strongly urged by Miles M. Dawson, who served as Actuary and Counsel during the investigation, the Industrial Commission is of opinion that it would be impossible to collect premiums and penalties from such employers and that a provision of this character might cause serious embarrassment to the State fund.

"10. The benefits of compensation law have now been so thoroughly demonstrated that the law should be extended to cover all employees without regard to the character of the employment."

I agree that the Compensation Law should be extended to cover additional classes of employees, but I am not convinced that the law should be extended to cover all employees without regard to the nature of their employment. This matter has been taken up with the State Industrial Commission, and they will suggest changes in the statute in this respect.

"11. The amount of compensation and death benefits should be generally increased, particularly as regards limits."

I concur in this recommendation. There has been no change in the schedule of benefits since the law was enacted in 1913, although the cost of living has steadily increased. Wages have increased at least 60 per cent, resulting in large additional premiums to the insurance companies, without any corresponding increase in compensation benefits. The limit of compensation in disability cases is $15 per week, except for loss of limb, where the limit is $20

per week. In case of death from an industrial accident the highest award payable to a widow at the present time is $6.92 per week. I believe these limits should be raised, and I submit the matter for your careful consideration.

" 12. The State Fund should be authorized by law to pay expenses directly out of its premium income under such restrictions as may be laid down by the Legislature."

The State Treasury is now being reimbursed for the entire expense of the administration of the State Insurance Fund. It is obvious that the State Fund cannot successfully compete with other insurance carriers unless it has more leeway in the employment of help. As the State Fund is engaged in a business enterprise, I see no reason why the money should be first appropriated by the Legislature and then returned to the State Treasury. I concur in this recommendation.

" 13. Provision should be made for appointment by the Governor of an advisory board selected from employers insured in the State Fund to take part in its management and to confer upon them extensive powers of review and regulations."

The need of such a board, in my opinion, was thoroughly demonstrated by the investigation, and I therefore concur in this recommendation.

" 14. The provision for pro rata dividends in the State Fund should be amended to give the Commission power to declare and pay dividends according to the individual experience of each employer."

While I concur in this recommendation, I believe it should be made discretionary with the Commission.

The remaining recommendations concern procedure and reorganization and have been taken up at great length with the Commission. I would, however, call your attention to Recommendation No. 19, which will require action by the Legislature. It provides for the employment of medical advisers in the offices maintained by the Commission in Albany, Syracuse, Rochester and Buffalo. At present the appropriation is insufficient for this purpose, and, as a result, in a great many cases the physician employed by the Commission to assist in determining the claim is paid a fee directly by the insurance company in each individual case.

I recommend, after a reading of the report, that the Industrial Council created under section 40-a of the Labor Law be extended in accordance with the Commissioner's recommendation, in order to give to the Industrial Council broader powers, so that they may initiate proceedings and not be limited as at present to the power of passing upon matters submitted to the Council by the Industrial Commission.

I urge upon your Honorable Bodies that the entire report of the Moreland Commissioner appointed to inquire into the workings and operation of the Industrial Commission be read with great care. No department of the State government deals more intimately with

questions affecting the lives, health and comfort of our people than does the Industrial Commission. The State of New York has pointed with pride to her Workmen's Compensation Act as being the most progressive statute of its kind in the country. The weaknesses of the law herein pointed out are the result of six years of experience. The recommendations herein made, if enacted, will greatly strengthen the law and increase the benefits to the unfortunate victims of industrial accidents.

(Signed) ALFRED E. SMITH.

NOTE.—The report of Commissioner Connor is contained in section X of the 1919 Public Papers.

Transmitting Report of the Fair Price Milk Committee of the City of New York

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, January 26, 1920.

To the Legislature:

The past year has witnessed a steady increase in the cost of milk to the consumer. While all food commodities have increased in cost, the special atention of our people is attracted to the question of an adequate supply of milk at prices within the reach of everybody. Inasmuch as milk is the sole food of infants, and absolutely necessary to children and invalids and those convalescing, the question of its price becomes infinitely more important than the economic question involved in the price of food generally. It becomes a question of public health, and is as vital to the welfare of a great community as is a supply of pure and wholesome fresh water.

On August 6, 1919, I appointed an unofficial commission consisting of Martin H. Glynn and John H. Finley to inquire generally into the high cost of living. I am formulating to you their report in full. I call attention particularly to that portion of it that deals with the milk question.

Pursuant to the provisions of a preliminary report rendered to me by that commission, there was brought into existence a Fair Price Milk Committee for the City of New York. That committee made a very exhaustive study, not only of the conditions obtaining in the milk business itself, but also a study of the effect upon the health of the people of New York City of a shortage of milk and the results growing out of the constantly rising cost to the consumers, particularly in the poor sections of the city. I am sending with this message the report of that committee. It is concise and to the point.

Both of these reports speak of the necessity on the part of the State of declaring the production, distribution and price of milk to be a public utility, subject to State control.

At a later date I will forward to you the report of Commissioner Battle on his investigation into the Department of Farms and

Markets, a part of which report is devoted to a recommendation identical with that set forth in the report that I am forwarding from the Fair Price Committee. I may also add that the necessity for a commission with respect to the production and distribution of this commodity is recognized by the Federal Food Administrator. Speaking from an experience that he has gained during and since the war, he is in hearty accord with the necessity of State regulation of this product, in the interest of public health.

It is the unanimous opinion of all those who have made any study of the subject that the solution lies in State regulation, to the end that an adequate supply be always available at a price within the reach of all.

I urge your Honorable Bodies to read these reports, having in mind that relief can only come by legislative action, and I strongly urge you to consider favorably legislation to carry these recommendations into effect.

(Signed) ALFRED E. SMITH.

December 2, 1919

To HON. ALFRED E. SMITH, *Governor of the State of New York:*

About the first of August, 1919, Governor Smith appointed ex-Governor Martin H. Glynn and Commissioner of Education John H. Finley Special Commissioners to report to him in the matter of the high cost of living. On the twenty-third of August these Commissioners reported to the Governor, using, as regards milk, the following language:

> "The milk situation, especially in New York City, is so pressing that you should not await the findings of this departmental investigation, but should give whatever immediate relief is possible through other agencies. Moreover, what is done in New York City is of concern elsewhere, as the price paid for milk in New York City has more or less influence upon the prices demanded in other cities of the State. * * * If milk were a mere commodity without which human beings might live in health and vigor, the State would of course have little concern in these transactions; but since in every community there are many persons, especially children, mothers and invalids, for whom it is as much a necessity of life as a supply of pure water [illegible] a rightful reason for inquiry as to whether there are exorbitant profits in its sale, but a compelling reason for interfering if there are. * * * To that end we recommend, therefore, that you cause to be appointed, first of all in New York City, a Fair Price Milk Committee, consisting of nine members:
>
> The State Commissioner of Health,
> The New York City Commissioner of Health,
> The New York City Commissioner of Markets,
> Three members to be named by the Governor of the State,
> Three members to be named by the Mayor of the City of New York.

On August 29th, pursuant to this recommendation, the Governor gave formal notice of the appointment, for the City of New York, of a Fair Price Milk Committee, consisting of the following members:

Rev. Jonathan C. Day, Commissioner of Markets;
Dr. Royal S. Copeland, Commissioner of Health;
Dr. Hermann M. Biggs, State Health Commissioner.

APPOINTED BY MAYOR HYLAN

Preston P. Lynn, Wanamaker's Store;
Mrs. William Randolph Hearst, 137 Riverside Drive;
Senator Charles E. Russell, 246 Jamaica Ave., Brooklyn.

APPOINTED BY GOVERNOR SMITH

District Attorney Francis Martin, Bronx;
Miss Sophie Irene Loeb, 146 Riverside Drive;
Lee Kohns, 42 Warren Street.

The first meeting was held at the office of the Commissioner of Health on Monday, September 8th. Dr. Royal S. Copeland was elected permanent chairman of the committee, and Miss Sophie Irene Loeb was elected director of investigation. At a later meeting Mr. William B. Crowell of the corporation counsel's office was selected as counsel for the committee.

Since the first meeting, numerous open hearing and several executive sessions have been held. Many witnesses appeared before the committee and every effort was made to gain at first-hand every possible bit of knowledge bearing on the milk problem, and the elements entering into the cost of this commodity. The Committee is now prepared to report to the Governor, making recommendations which, if carried out, it believes will result in such a method of control as will insure, for the citizens of New York, an unfailing supply of milk at a fair price.

INTRODUCTORY

Every incentive to the maintenance of the milk industry depends upon the hope of a profit, or a livelihood, by each and every person handling this commodity. It is conceded that this hope should and must be realized. But the milk business differs from another dealing in a non-essential; it has to do with the most vital food necessity. On this account it must come under the survey and control of the State. It would be inexcusable to permit a handful or a large group of men to become so well organized and so powerful as to be able to withhold, if it chose, or at its pleasure to supply, the most essential of all necessities of life. Government must control the flow of milk in order that there may never come deprivation, either from non-supply, or from excessive price.

At the very outset of the argument it is right to say that the Committee believes the comfort, safety and health of the public demand that the milk business be classified with the public utilities and brought under public regulation. It is impelled to this conclusion, among other reasons, because of the results of a survey ordered by the Commissioner of Health of New York City, to determine whether or not the milk question is properly a public health problem. It was directed that the Department of Health should procure first-hand and up-to-date facts as to the quantity and quality of milk used in the city, its increase in price, the substitution of other articles of food to supply the place of milk, the inability of the parent to purchase milk at the advanced prices, the classes of the community most affected, and, above all, the effects of the deprivation of the necessary food upon the health of the children of the city.

The survey was based on an investigation made by the public health nurses attached to the Bureaus of Child Hygiene and Preventable Diseases. Areas representative of the congested districts of the city were chosen in each borough, sections that would reflect the actual conditions affecting the various phases of the problem in hand. The nurses engaged in this work were instructed to visit every family in the areas assigned to them, to interview the mother of each family, and to note the physical condition of the children.

There were visited 11,007 families. All children between the ages of one and seven years were examined, their physical condition, and the nativity of the mother entered on the blank forms prepared for that purpose In addition, the following items called for on the forms were gathered and tabulated; number of cups of milk used, number of cups of coffee, tea and cocoa entering the diet; lessened quantity of whole milk used expressed in quarts; increased quantity of condensed milk used expressed in cans; number of families in which children are deprived of milk by reason of increased

cost of same; number of children suffering from malnutrition, anæmia, underweight, and other physical defects; quantity and nature of substitutes used, and increased price of milk arranged by grades, in September, 1919, as compared with September, 1916, from which latter date the price of milk advanced.

The number of children in the 11,007 families visited was 19,037, arranged according to age groups, as follows:

Age	
1–2 years	3,052
2–3 years	3,647
3–4 years	3,579
4–5 years	3,556
5–7 years	5,203
	19,037

There were 40,573 cups of milk used daily by 19,037 children, or an average of two cups and one ounce of milk for each child daily, an amount totally inadequate at each of the individual ages, but markedly so at the ages of one and two years. The number of cups of coffee given daily to the children in the 11,007 families was 12,439 cups, and of tea, 7,438 cups. It is evident that at least one cup of tea or coffee is given on the average to each child. When it is realized that coffee and tea are stimulants without any appreciable value as nutrients, that both should be tabooed in child life, that there is an unanimous concurrence of scientific opinion as to their worthlessness in building up the muscular or nervous structure of the human body, the conclusion is irresistible that malnutrition and all the evils attendant thereto must prevail among children fed on such material. The tables show that in 10,793 families substitutes in the form of tea, coffee, cocoa, cereals and other drinks are used; that is to say, in over 98 per cent. of the homes investigated, this dangerous practice has full sway. Some mothers ignorant of food values persist in this baneful habit, but many mothers who know better are compelled by reason of the high cost of milk to seek refuge in the use of these deleterious substitutes.

In 1,219 instances less milk was brought according to statements of the mother; more condensed milk was used in 1,017 families. Mothers to the number of 5,775 claimed that children were deprived of milk by reason of its high cost, and 4,053 claimed their children suffer by reason of the use of less milk.

The examination by the nurses showed the following prevalence of nutritional disorders among the children; this is the most interesting and important disclosure of the survey: There were 1,294 children found suffering from malnutrition, 993 children from anæmia, 785 children were found to be under normal weight; 608 children suffered from other disorders and 3,648 were found to be undernourished.

In 1916 there were bought daily 1,028 quarts of Grade "A" milk, bottled, at an average price of thirteen cents, while in 1919 there were only 515 quarts bought daily at a price of 18.6 per quart. That is to say, the amount of this grade of milk purchased decreased fifty per cent, the price increasing 43 per cent. Grade "B," bottled, was paid for in 1916 at a price of 10.8 cents the amount in daily use being 1,100 quarts, as compared with a price of 16.5 cents and a daily amount of 801 quarts, the increase in price being 50 per cent. and the decrease in amount 27 per cent.

A further survey was made in November, 1919, and is included in the Appendix as Exhibit A. This report covers the condition of pupils in selected schools in the Borough of Manhattan, to determine their nutritional status. It will be observed that the percentage of undernourished children in these thirty-three schools varied from 17 per cent., the lowest, to 50 per cent., in one school. The number of children in these thirty-three

schools, so badly undernourished that they are actually in need of medical care, amounts to 4,575. These particular schools represent localities where we naturally expect to find undernourishment due to poverty of the parents, but when it is borne in mind that there are five hundred schools in the City of New York, to say nothing of the children under school age, the number of children suffering from malnutrition and undernourishment is so startingly great as to demand the thoughtful consideration of the public. It makes no difference whether the number of undernourished children runs into the hundreds of thousands, or whether the number is only a few thousands; if there is any undernourishment in the City of New York, due to the lack of food, it is an evil that must be removed. There can be no doubt that the conditions due to the war have made it difficult for the poor to obtain any and all of the important foods. This Committee, however, is concerned particularly in the supply of milk, not only because that is the immediate purpose of this inquiry, but also because milk differs from all other foods in that it is quite as important in certain age groups as air and water, and to all children it is a food that must be furnished in abundance, otherwise the public health is bound to suffer. A never failing supply of pure milk is absolutely essential to the public health. On this account the Committee is fairly of the opinion that the State is justified in taking whatever steps may be necessary to so regulate the flow of milk and to so control price that this essential food may be placed within the reach of the very poorest of our citizens.

The Distribution of Milk

The determination of a fair price for milk depends upon two factors, the production and the distribution. For the moment, production will be disregarded and the farmer's part left for later consideration in this report. In all the phases of delivery from the farm, and distribution to the ultimate consumer, there are so many steps that their mere enumeration will give some appreciation of the complications of the business.

Before entering upon these details, it is desirable to show the magnitude of the system that brings to his door every morning each citizen's particular share of the great milk supply of New York City. This milk comes from 1,150 creameries and 40,000 farms, from six States of the Union and from the Dominion of Canada. The shortest haul is 40 miles and the longest 500 miles. In round numbers, the daily consumption of milk in this city is 2,000,000 quarts. If one day's supply were placed in quart bottles, and these bottles were placed side by side, they would make a triple row all the way around the edge of the Island of Manhattan — 125 miles of quart bottles, almost equal to the distance from the City Hall to the Capitol at Albany.

In the evolution of the business the enterprise has become greatly involved, probably too much involved. In the methods of the present system of milk handling there are twenty-five important factors that enter into the ultimate cost. This list is not intended to be complete, of course, but it includes the chief factors that determine the cost added to the milk after it leaves the farm. Here are the items:

Steps Adding to the Cost of Milk

1. Delivery from farm to creamery.
2. Location and number of the country stations.
3. Cost of handling in creameries, including pasteurization or not, as the case may be.
4. Freight and routing.
5. Transportation from railroad platform to city stations.
6. Location, number of, and investment in city stations.
7. Cost of handling in city stations.
8. Delivery of milk from city pasteurizing plant to distributing depot.

9. Delivery from central stations to consumer or store.
10. Routing of deliveries.
11. Collection of empty bottles and empty cans.
12. Cleansing of containers and return to railroad.
13. Freight to creamery.
14. Cost of inspection of cows and dairies, and laboratory examinations.
15. Replacement of bottles, cases and machinery, repairs to property, country taxes and insurance.
16. Loss of milk in country handling.
17. Ice, caps, tags, and country incidentals.
18. Executive costs.
19. Advertising and canvassing.
20. Repairs, taxes, insurance and liability insurance.
21. City icing.
22. Loss of milk in city handling.
23. Disposal of surplus and the problem of the manufactured products.
24. Maintenance and operation of vehicles.
25. Profit and loss.

The chart, Appendix, Exhibit AA, shows the many links in the chain of milk handling. Taking these elements of cost in their order and giving to each the discussion it deserves, is to write the history of milk distribution. It is the duty of the Committee to point out defects and to indicate such features as seem susceptible of removal or improvement.

Mr. Patrick Fox of the Borden Company anticipated some of these defects when he suggested the desirability of legalized monopoly and public control of the milk industry. Many of the defects of the present system are due to competition on the one hand, or, on the other, to what appears to be mutual agreement between the companies.

Governmental control will permit of many reforms which seem impossible under present management. To be more specific, we will take up these factors of cost and give due consideration to each.

Analysis of the Chief Factors in Determining the Price of Milk

1. *Delivery from Farm to Creamery.*

As has been said, there are 40,000 farmers producing milk for New York City. The majority of these farmers transport the milk every morning from their farms to the creamery or receiving station. The distance that the farmer hauls his milk ranges from 1 to 8 miles, and it takes from 1 to 3 hours to make delivery and return to his home. The evidence presented indicates that the farmer loses considerable valuable time in this delivery, as it takes the man who produces 10 quarts of milk just as long to deliver his milk as it does the dairyman producing 700 to 800 quarts.

In a few isolated instances the Committee finds that collective hauling has been established, and this method has proven most economical and advantageous to the farmer. It is, therefore, quite apparent that an extension of the collective hauling system would reduce the cost of transportation from the farm to the creamery or receiving station. It would eliminate the cost of the up-keep of the large number of vehicles necessary under the present system, and obviate the necessity of the farmer or his employee being absent from the farm for a considerable length of time each day.

2. *Location and Number of Country Stations.*

The milk supply of New York City, as has been said, is shipped from 1,150 creameries or receiving stations, located in six different States. The evidence seems to indicate that economy would be served by a better distribution and location of these creameries.

The following is an excerpt from the testimony of one of the witnesses. Oscar Mapes, in reply to the question: "Do you feel that economy can be arrived at by eliminating some of the receiving stations?" replied: "I certainly do." Mr. Mapes, continuing his testimony, states as follows: "To

show you can economize, I happen to live in Orange county, four miles from any railroad station, but I can contract for my milk from my farm in different directions to seven different receiving stations within a radius of six miles, taking my farm as a hub. I believe, and it is generally conceded, that any one of these seven stations could pasteurize that milk and prepare it for shipment and ship it cheaper than the whole seven do now."

To further emphasize this point, charts have been prepared (See Appendix, Exhibits B and C) showing, in several localities, the number and location of creameries within a radius of 10 or 15 miles of each selected point. For example, within 10 miles of Courtlandt, New York, there are located 20 creameries and pasteurizing plants. These creameries and receiving stations are operated by 13 different dealers. There is no doubt that by better distribution, or by consolidation, of these stations a very considerable saving could be made. Another example: There are within a radius of 15 miles of Middletown, 27 creameries and receiving stations. These are operated by 13 different dealers. Since milk is milk, its quality guaranteed by the Board of Health, this Committee believes proper cooperation would make it possible for several dealers to make use of a common plant, if for any reason it is found desirable to enter the same field. Such a practice has been followed for decades in the grain industry.

3. *Cost of Handling at Country Stations, including Pasteurization.*

The milk received at the creamery has not been pasteurized. The creamery or receiving station may or may not be equipped with pasteurizing apparatus. If so equipped, the milk is immediately pasteurized and thereafter cooled and placed in cans or bottles for shipment. Where the plant is not so equipped, the milk is iced and shipped in its raw state, for pasteurization in the City of New York. All such plants, however, are provided with equipment for sterilization of cans and bottles. In the operation of creameries and receiving stations, the Committee has only to suggest that part time labor, as employed in one or two model plants, might be applied and thus reduce the overhead expense in these stations. Union stations, too, would reduce in a material way the cost of handling.

4. *Freight and Routing.*

The evidence presented to the Committee would indicate that the average cost of freight is slightly under one cent per quart. The principal economy that seems possible in the matter of freight would be accomplished by a better routing, so as to bring the milk closer to the part of the city to be served. The figures show that over 50 per cent. of the milk supply is delivered by the railroads to platforms in Jersey, and it is necessary, therefore, for dealers to transport this milk over the ferry to their depots in the city. By a rerouting it might be possible to have the milk brought over by trains entering the city itself, or that the various railroads might be induced to build spurs so that the milk would be brought into the heart of the city in the various boroughs. Freight trolleys within the city have not been thought of, apparently, and they are worthy of consideration; after midnight it might be arranged to bring in great loads of milk that are now hauled by horse and wagon.

5. *Transportation from Railroad Platform to City Stations.*

Another item of possible economy is better train service. From time to time there is considerable delay of the train service and delivery to the platforms. Inasmuch as the employes of the company are paid upon a fixed time of service, it means that when these delays occur, the distributing company has to expend considerable money for overtime, all of which is an extra item charged to the cost of milk.

Milk shipped to New York City is received from 13 different railroad terminals, seven of which are located in New Jersey, and, as has been explained, this necessitates the ferrying of this milk from New Jersey to New York, an extra item in cost which might be avoided, in some instances by rerouting.

6. *Location, Number of, and Investment in City Stations.*

After it is received at the railroad platform, as has been explained, the milk is transferred to the city stations, either to the pasteurizing plants, or directly to the distributing stations. The same criticism mentioned under heading No. 2, Location and Number of Country Stations, can be made here.

Investigations by the Department of Health have shown that certain plants are not operated to their full capacity and that if they were so operated a number might be discontinued. Naturally, the operation of unnecessary stations means the wasteful expenditure of money.

Another item which was brought out in the testimony before the Committee was the actual investment in city plants. Mr. Horton, of the Sheffield-Farms Company, testified that one plant alone represents an investment of several hundred thousand dollars. While it is essential that the stations be clean and sanitary, it is certainly unnecessary to have great, elaborate show places which can have no bearing upon the quality of the milk, and the existence of which can result only in increasing its cost. These plants, of course, serve as a monument to the company erecting them and are great factors in advertising, but their upkeep and the interest on investment must be made a charge against the public. The modern city consolidates its railroad terminals and erects union depots. What can be more natural than to follow this plan in milk handing, thus saving capital, overhead charges and space? Such cooperation as can be enforced under State control will make possible many economies, by consolidation of effort, which now seems impossible, or, at least, is not in effect.

7. *Cost of Handling at the City Plants.*

In the city plant the milk is pasteurized, or if it is received from the country pasteurized, it is redistributed to smaller units for delivery to the consumer. There has been no evidence presented to the Committee which would lead to the belief that any considerable economy can be practiced in operating these stations except as recited in the previous paragraph.

8. *Delivery of Milk from the Pasteurizing Plant to Distributing Depot.*

The milk received in the city is first brought to a pasteurizing plant in one part of the city, is there pasteurized, placed in cans or bottles, placed on trucks, and delivered to a distributing depot, from which it is transferred to retail delivery wagons. It would seem that by a better distribution of the pasteurizing plants, the dealer in the city could begin his house or store delivery directly from the pasteurizing plant. It could be transferred to the delivery wagons here and thus avoid a second handling of the milk.

9. *Delivery from Pasteurizing Plant or Distributing Depot to Consumer or Stores.*

By far the most important factor in adding to the price of milk to the consumer, is the distribution of the bottled milk from the city line to the kitchen door. New York, by reason of its wealth and progressiveness, calls for refinements of service such as are demanded by no other city in the world. In the milk problem this demand on the part of our wealthy citizens adds an undue cost to the price of milk sent to the poorer citizens. It is all very well, and, of course, entirely proper, for persons who can afford it, to have the milk carried to any floor of an apartment house and placed at the service door, at an early hour in the morning, but the expense of this refined service as now given must be added and is added to the general price of milk. Some provision should be made to subtract this enormous sum from the expense of the milk delivery. How can this be accomplished?

It is our opinion that the problem is solved at once by cutting from the city delivery the universal practice of carrying the milk to the individual consumer. There are in New York approximately 30,000 grocery and delicatessen stores where milk is or might be sold. There is no section of this city where a citizen lives at any considerable distance from such a retail establishment. Unfortunately, the system now in vogue gives no

consideration to the retail dealer; the charge to him for milk in quantities is exactly the same as to the individual consumer for a single bottle. This practice, it seems to the Committee is unfair, and certainly it discourages the sale of milk by the grocer. There is no reason why the citizen should not buy milk as he purchases meat, can-goods and other foodstuffs. All these he can buy over the counter, telephone for, or have regularly delivered. This plan will not delay the delivery of milk to the citizen, but will simply place the burden of delivery where it naturally belongs. At a meeting of the grocers there was most enthusiastic response to a plan of purchasing milk in quantities at reduced prices, and ready agreement to sell over the counter for a cent advance per quart, and to deliver it to the home for two cents. Without going into the matter further, it will be seen at once that by such a plan the cost to our citizens of milk delivered to the door could be materially less than under the present plan.

Individual delivery is one of the chief factors in increasing the price of milk to the consumer. In the testimony before the Committee it was brought out that a driver in New York City is receiving a salary of $35 a week and 2 per cent. of the collections. The total income of the driver is from $50 to $65 per week. It was also brought out that the drivers of this city are unionized and that the Union limits to 300 points the amount of milk a driver can deliver. By "point" is meant a single quart of milk, one pound of butter, half a pint of cream, one quart of buttermilk, or two pints of milk. Thus, it will be seen that the average amount of milk actually distributed by a driver will be less than 300 quarts in most instances, because practically all drivers, in addition to delivering milk, also sell butter, cream, and buttermilk. It was testified before the Committee that the average delivery of a driver in the city is approximatelly 263 quarts daily.

It was brought out in the testimony that in Philadelphia the drivers are not unionized, and their compensation is entirely upon a commission basis. They receive 11 per cent. of their collections. Thus, a driver in Philadelphia is practically in business for himself, the dealer supplying the horse, the wagon, and the milk. The driver acts as a salesman, and it depends entirely upon his own efforts as to what his weekly income will be. The result in Philadelphia is that the daily average delivery of milk per driver far exceeds the average in New York. It was shown that it averages there 400 quarts of milk, exclusive of other articles, such as butter, eggs, cream and buttermilk, in marked contrast to the 263 quarts delivered by the New York driver.

Reverting to the store deliveries, it seems to the Committee that the distributor should be required to deliver the milk in bulk to the stores at a price cheaper than that charged where milk is delivered to the individual consumer in the home. That this is entirely practicable is shown by a recent demonstration. One of the dealers, Clover Farms, has offered and is now delivering milk in bottles to the Health Department milk stations. He is dispensing this milk at the stations, using for this purpose his own employees, and charging the public 15 cents per quart. At the store or delicatessen store the charge to-day for the same milk is 19 cents or 20 cents. The Clover Farms Company has entered into this as a business transaction and believes it will make a profit. The price charged by the Bordens, the Sheffield Farms, and practically all the other companies, in the opinion of the Committee, in this particular matter at least, is unfair. The representatives of the Bordens and Sheffield companies have not explained satisfactorily to the Committee why milk delivered to the store should not be cheaper than that delivered directly to the home.

The Committee is of the belief that there should be a material extension of the amount of milk sold to the store, and at less than the retail price, so that the people of the City of New York, if they desire to go for their milk, would have an incentive for so doing. The Committee believes, too, that serious consideration should be given to the abolition of individual deliveries by the distributing companies.

The carrying out of these suggestions would permit of daytime deliveries, the use of great trucks, and would so simplify the methods of distribution

as to cut several cents off the price per quart. The Committee feels that the present method of delivery is responsible for a large portion of the public complaint.

10. *Routing of Deliveries.*

The Committee believes that milk and milk products should be sold under a permit and, in the absence of store dellivery, that the field of operation of any given company should be limited to a defined zone. There is nothing startling about this plan. It would be a short-sighted community that would give franchise rights over one street to a multitude of street-car companies. Yet, in effect, that is exactly the sort of thing we are permitting as regards the milk distribution.

Were the milk offered for sale a variable commodity, did one company sell an article vastly or even slightly better than another, were the product from one firm richer in butterfat, with fewer bacteria, superior in any way, the Committee might not suggest such a plan. Under such conditions, it would be unfair to the citizen to compel him to buy the product of one particular milk company. In New York City, with the exception of the specially prepared quality grades, milk is milk. Grade "B" milk is the same whether furnished by Horton, Borden, Campbell, or Levy. Its quality is standardized and guaranteed by the Board of Health. Therefore, we say most emphatically that no one can suffer, or be imposed upon in the slightest degree, if he be forced to buy of a dealer for whom he may have formed a prejudice on the assumption that this milk is not as good as that furnished by some favorite dealer. There is no foundation in fact for such a feeling. How absurd it is and how unbusiness-like that a block in the city should be traversed by six milk dealers, each carrying a quality of milk absolutely identical with that supplied by the other five? Such a practice obviously makes for multiplication of effort, serious enhancement of cost, and, in its result, is manifestly unfair to the poor. As a matter of fact, the present method of so-called competition neither lessens the price nor betters the quality.

Necessarily, the great dealers will object to any possible limitation of their efforts. The Committee wonders, however, if any one of them would suffer any loss of business or appreciable loss of profits. Why should they object to having their activities confined to a given section or sections of the city? With a well devised and honestly administered zoning system, and with proper safeguarding as to granting of permits or franchises, why should any dealer object to this simplification of his work? Think how much cheaply he could serve a given number of patrons if all of them were located in a given territory. If one of the great milk companies had exclusive rights, for instance, in that section of Manhattan, west of Broadway, and north of 42d Street, who can doubt that milk could be quickly and cheaply delivered in that territory? All of the depots, manufacturing plants, barns, garages, and every feature essential to the business, could be centered there. Every energy could be directed to splendid service in the home field.

Let no one imagine the Committee is ignorant of, or indifferent to, the difficulties of a reorganization of the milk business along these lines. There are tremendous obstacles to be overcome, of course, but with zoning of the city great progress will have been made in solving the milk problem. These improvements must be conceded as having in them the certainty of decreased cost of milk. Ultimately, such a system should be productive of handsome profits, which no one will begrudge the dealers, provided all the facts are publicly known. Reduced cost of the milk will materially increase its consumption. Smaller profits on the present quantity will be offset by larger sales under less expense.

11. *Collection of Empty Bottles and Cans.*

Testimony taken by the Committee indicates great losses in the breakage of glass bottles. Numerous complaints, also, were lodged with the Committee that the dealers make apparently little effort to collect empty bottles.

and that as a result many are disposed of by being sent to the ash dumps. The distributors have urged the difficulty of bottle returns as the chief obstacle to the store delivery and sale. Likewise, they have attributed the latest increase of milk prices to labor costs. Both objections would disappear by the adoption on the part of all distributors of certain universal rules of procedure. By establishing trade relations with a group of retailers, the distributor can require a deposit to cover the cost of the maximum number of cases to be delivered daily. In his turn, the grocer can require a deposit from the regular customer to cover the single unit or number of bottles to be taken from the store or delivered daily. The casual customer may be required to pay for the bottle a stated sum, to be returned when the bottle comes back. There is nothing new or revolutionary about such a practice. The gas companies have always required a deposit for the meter or gas stove. Soft drink dealers have required from you a deposit to cover the cost of the bottle. By the universal adoption of this plan in the milk business the bottle problem would disappear, as it certainly would disappear if the paper container were universally used.

The whole problem of distribution would be simplified by the abolition of the glass bottle and by the substitution in its place of a paper, paraffin-coated container, a pulp container, or other similar substitute, so that the package of milk delivered to the consumer is sealed, insuring the purity of its contents, and at the same time doing away with the tremendous expense of the bulk, weight, breakage and waste of the glass milk bottles. Our ash heaps, basements, alleys and back yards are littered with these wasted bottles. Not only the first cost, but the expense of cartage, storage, delivery, return and proper cleansing of these bottles, add materially to the cost of milk to the consumer. By utilizing modern methods, not being content with the established ways of distributing milk, and by applying to the whole problem common sense and modern ingenuity, there is hope of lessened cost by doing away with the costly collection of "empties," as well as with the expense of carrying the glass bottles, with their increased weight and requirement of excessive space.

12. *Cleansing of Containers and Return of Same to Railroads.*

The prompt cleansing of empty cans is necessary, in order that the further cleansing, which has to be done in the country or at the pasteurizing plant in the city, can be made less arduous. Unless milk is promptly removed from the can it coagulates and its removal becomes difficult. As to the cleansing of the bottles, this item of expense would be eliminated if the paper or single-service container were used.

13. *Freight of Empty Cans and Bottles from City to Station in Country.*

This item of express is, of course, necessary in so far as the cans are concerned, but it is possible that economies could be effected if the number and location of plants in the country were distributed along more economical lines, as suggested in a previous paragraph. This item of expense, in so far as the bottles are concerned, would be eliminated with the use of the paper or single-service container.

14. *Cost of Inspection of Cows, Dairies, and Laboratory Examinations.*

At present the physical examination of the cows producing milk for consumption in the city is partly borne by the dairyman and partly by the distributor. The distributor, also, in order to comply with the standards of the Department of Health, employs inspectors and operates chemical and bacteriological laboratories. While this item of cost could not be eliminated, it is possible that it could be reduced if the city or State increased its inspectorial force and thus eliminated the necessity of the dealers making the inspection. As a matter of fact, the distributors have testified that one official inspection made by a representative of the Department of Health has more effect than 12 inspections made by their own representatives. Undoubtedly this sort of inspection should not be in private hands; it is essentially a public health problem.

15. *Replacement of Bottles, Cans and Machinery; Repairs to Property, Country Taxes and Insurance.*

The Committee has no material recommendation to make in economies in so far as this item is concerned. The Committee, however, feels that the substitution of a paper or single-service container would be cheaper than the present glass container. It is understood that the paper container would be used but once and this would eliminate all cost for replacement of bottles.

16. *Loss of Milk in Handling.*

This is an item of expense upon which the Committee has no recommendation to make. The Committee feels that these losses are kept at a minimum.

17. *Ice, Caps, Tags and Incidentals.*

The Committee has no specific recommendation to make as to this item of expense. It believes, however, that the use of a paper or single-service container would eliminate the cost of caps.

18. *Executive Costs.*

Under this item comes the salaries of the executives. From the testimony taken by the Committee, it would not appear that, for the present methods used in the milk industry, the salaries are excessive. It does seem to the Committee, however, that there are too many sitting in high places, and that some of the distributing companies are over-burdened with salaried executives, this item, of course, being charged to the cost of milk.

Should the State determine upon some plan of governmental control, it is probable that the expenditure of some of the energy now furnished by the executives of the great milk companies would be unnecessary. Even with such limited competition as now exists, the executives must plan and execute procedures for running and increasing the business. With regulation and zoning of the enterprise, the necessity for such sort of expert oversight and management would be eliminated. Likewise, the expensively equipped offices and elaborate office forces of the executives could be greatly modified.

19. *Administrative Costs.*

Under this item are included the bookkeeping and clerical forces of the distributors. This is, of course, an essential factor and cannot be eliminated. The Committee, however, feels that with a better distribution of the various plants located throughout the city and with a zoning system in force that the administrative costs would be decreased. With State control will come uniform and simpler accounting systems.

20. *Advertising and Canvassing.*

This is an item of expense that can be eliminated entirely. So far as New York City is concerned the Department of Health has been advocating for years the increased consumption of milk. The Department standardizes and regulates the grades of milk that can be sold in the City and, as an actual fact, there is no material difference in the quality of milk sold by the different dealers. With the price of milk so placed as to make it possible for the poor to buy it, the State and City Health Departments can go forward with their duty of public health education. Such advertising will do the milk business much more good than the present expenditure of money for the same purpose by the milk companies. With proper zoning it would seem that every expenditure for advertising can be eliminated, and that if the drivers of the milk wagons were paid on a commission basis there would be no further expense as to canvassing.

21. *Repairs, Taxes, Insurance and Liability Insurance in City.*

By elimination of unnecessary and over-elaborate plants, this item could be reduced considerably.

22. *Icing.*

Cooperation in ice production and handling might reduce this item of cost.

23. Loss of Milk in Handling in City.

The Committe has no recommendation to make concerning the above item of expense.

24. Disposal of Surplus and the Problems of Manufacturing.

The milk dealer must constantly face the fluctuating flow of milk and the uneven demands for milk. This item of cost is one of the most important with which the Committee has to deal. It is perplexing to the dealer and has received much attention on the part of the Committee.

The dairyman insists that the dealer take all the milk he produces. In his turn, the dealer must find ways to dispose of the undemanded and unsold milk. How is this condition of affairs to be remedied? Under State control of the whole milk industry, including farm and distribution, it should be possible so to direct affairs that the production of milk can be made much more uniform than it is under the methods now in vogue.

If the milk business were under State control, there could be diverted from the manufacturer sufficient milk to provide for it when there is unusual demand for fluid milk. Likewise, in the event of unusual flow, with low demand for beverage purposes, the State officials could order that the surplus milk be diverted to the manufacturing plants. Such a method of control would result certainly in economical handling, such as cannot be accomplished when the independent distributors must provide for their own emergencies of this sort. The small and independent dealer, under present conditions, carries a heavy burden of responsibility that could be shifted under State control.

Were the surplus milk, now disposed of by manufacturing, offered to the people at its appraisal made by the distributors, there would be abundant demand for the milk for beverage purposes. Add to this cheap price greater publicity as to the food value of milk, and there can be no doubt that many of the worries over surplus would speedily disappear.

It is the opinion of the Committee that many reforms can be affected in the disposal of surplusage, but these can be accomplished in but one way — by such enforced co-operation as only an official body with legal power can obtain.

The Manufactured Products

Under this heading will be considered condensed milk, evaporated milk, powdered milk, cheese, butter, confectionery, and every other product made from milk.

For years, corporations have been permitted to manufacture highly profitable tinned milk and other products without any check whatsoever, and without any assurance that the population of the State will first have the benefits of the milk produced within our borders.

Thus, the most vital resource of this State is allowed to be used by the corporations, and to any extent they like. Just how far it will be sought to extend this privilege, and to what degree it will affect the people of this State, is evidenced by the testimony of men from the Borden and Nestle's corporations. The latter corporation admitted in the testimony that already 85 per cent. to 95 per cent. of its products are exported out of the United States, and that more and more milk is being exported. They state that a third of this enormous milk product business is drawn from this State alone. From within a hundred miles of New York City they absorb 50,000 quarts of milk daily.

Some dealers are beginning to see that public demand will make it imperative to limit the manufacture of milk within a given radius of New York City, so that the fluid milk will flow into the congested metropolis from nearby sections. Therefore, these dealers have expressed a belief that the manufacture of products should be limited to the territory outside of a radius of 150 to 200 miles. The Dairymen's League officials have given a similar opinion. While these might all prove to be worth-while as voluntary suggestions, yet unless some legal restrictions are provided, there is no possible way to stop continued development in the manufacture of these products, which practice must play, more and more, an important part in the matter of high prices for fluid milk.

So free a hand have these concerns had for many years, in the unrestricted manipulation of the milk production of this State, that the idea of any legislation for the restriction of milk manufacture seems preposterous to them. The representative of the largest company said he would consider that the Legislature had "run wild" if the milk industry were to be thus regulated, notwithstanding the fact that this same corporation uses the milk of New York State to manufacture products, 95 per cent. of which are exported.

The Committee could not ascertain from any of these manufacturing concerns the profits made, as they deemed such profits "trade secrets." But some status of the business is well expressed in the following testimony of a representative of the Nestle's corporation:

"Our business has been one of sudden growth. The Nestle's Food Company some years ago was a rather small corporation and with the conditions that developed on the other side — destruction of cattle and the loss of other sources of milk supply — they turned to this country for their supply. The result was a very great expansion of the Nestle's Food Company in this country. The expansion has been very rapid and very large. The increase in the authorized capital stock was to $15,000,000. That was last year.

"Q. From what? A. From a quarter of a million dollars.

"Q. Most of this supply of milk that you have used, or one-third of it at least, has been drawn from New York State, and this enormous increase in your business has made it necessary to increase enormously the amount of milk you draw from New York State? A. Yes.

"Q. And at the present time you are manufacturing large quantities of condensed milk? A. Yes.

"Q. And evaporated milk? A. Yes.

"Q. Have you any preferred stock? A. No.

"Q. It is all common stock? A. Yes.

"Q. And it is not on the market? A. No.

"Q. And it is owned mostly by private individuals connected with this company? A. Unless it is important, I would not care to make an answer to that."

Similar conditions exist in the case of the Borden Company, the next largest manufacturing concern. While their export trade is not so voluminous, yet 240,000,000 pounds of condensed milk were manufactured by this company in 1919. Sixty million pounds of this were exported. Altogether this represents 2,129,000 cases of 48 cans to the case. This number of cases of manufactured products exceeds the 1918 figures, and the demand is constantly increasing, to say nothing of the new foreign markets that are being created constantly. All of this milk practically was taken from the New York State production and manufactured within the State.

As the same price is paid for fluid milk, in New York State, as that which is paid for manufactured milk by the manufacturers, it can readily be seen that the distributing costs for fluid consumption are eliminated, and as a consequence, much greater profits are made in the tinned milk business. It is obvious what trend this will take in the future unless proper regulation is provided.

Figures have been presented as to the amount of fluid milk produced in this State, which is consumed in making tinned milk and other by-products. There have been various estimates, some of which indicate that as high as 55 per cent. of the entire milk production has gone into manufactured products. The Department of Farms and Markets of this State places it as less than half, and presents the following figures for last year:

Fluid consumption, 52.7 per cent.
Cheese, 17.1 per cent.
Powdered milk, 3.3 per cent.
Ice cream, 2.1 per cent.
Butter, 6.1 per cent.
Condensed and evaporated milk, 17.5 per cent.
Malted milk, .05 per cent.
Miscellaneous, 1.15 per cent.

It would seem that the people should have first opportunity to secure the fruits of the production of their own State and at the lowest price possible. In the value of its product, New York is the largest dairy State in the United States, and yet the prices for milk are the highest. A fair price on fluid milk will never be reached until the entire milk production of this State is taken into consideration and until the huge profits of the manufactured products, such as condensed and evaporated milk, butter, cheese, confections, etc., are spread over the entire milk production. When this is done, the price of fluid milk can easily be lowered and at the same time the milk corporations can have a fair return on their investments.

New York should have the lowest priced milk of any city in the United States because of the large demand, the proximity of the production, and the ease of delivery due to congested areas. But the law of supply and demand is stifled. If the milk corporations were willing to sell all the milk the people would demand at a low price, they might double their sales. Why don't they strive to accomplish this?

As has been said, nearly 55 per cent. of the milk produced in this State is kept from the consumer as fluid milk and made into manufactured products. Instead of the people getting all the milk they want at a low price, leaving the remainder of the milk produced in this State to be made into manufactured products, the reverse condition exists. The fact is that fluid milk delivered, is the surplus after supplying the manufacturers. Because there is no restriction of any kind as to the control of milk in this State, any one with the money can come in and buy all the milk he wants for manufacturing products, and thus withhold it from the daily consumer of fluid milk. In other words, people are forced to buy condensed and evaporated milk because they cannot obtain fresh fluid milk at a low price.

Even the producers have gone into the manufacturing business, which means, under the present statute they need not send any fluid milk to the public unless they so desire. They may manufacture it into tinned milk in this State and send it to China, if they chose. Huge quantities of tinned milk and other manufactured products are being sent broadcast from this State. Already other companies are being formed up-State to manufacture milk, which, of course, will be disposed of in the usual way, not to the advantage of the public health, but in the piling up of good profits.

Until some system is devised that places a legal check on the manufacturing concerns, prices of fluid milk to the consumer will continue to soar, and likewise, the prices of manufactured products will continue high, because these products are permitted to be sent from this State and to the ready markets abroad.

Of all the manufactured products the sweetened condensed milk has the largest sale. The amount of liquid milk used in making this condensed milk last year was 539,568,177 pounds, which is approximately half the number of pounds of milk which the consuming public obtained in the form of fluid milk. This indicates that persons, unable to obtain sufficient fresh fluid milk at a low price, are practically forced by necessity to use condensed milk instead of fresh fluid milk. If fluid milk were sold at a lower price, the average family would purchase more and the surplus would be consumed by the children, or would be utilized in the home, to the resulting health of the community. As it is, the price being high, the family naturally seeks the most economical method of using milk, and many families use nothing but condensed milk.

Low price milk is bought by these corporations in April, May and June, when the flow of milk is greatest, and it is withheld from the public as fluid milk. It is stored in a semi-condensed form in tanks until the fall, when it is sent forth as a tinned product. Factories of the Borden Milk Company have a storage tank capacity aggregating 40,937,000 pounds of fluid milk.

The Nestle's Corporation manufactures more by-products than the Borden Company (the largest delivery company) serves in fluid milk to the New York public. The Nestle's corporation devotes its energies almost exclusively to the manufactured products of milk. The constant drain on the milk production of the State for manufactured products is a fundamental cause for high priced fluid milk.

The price of butter and cheese (milk products) actually form the basis upon which the price of milk to the producer is established. Therefore, it follows that butter and cheese are figured upon before fluid milk is considered. Unless something is done by which all these milk products are counted together, the price of fluid milk will be increasingly high.

One of the most prominent dealers ventures the belief that all fluid milk produced in this State should be sold as fluid milk and within the State. In his opinion, this is bound to come. As the city grows the public demand for fluid milk will drive the manufacturers of milk elsewhere, which ought to be the case, considering that there is so much congestion and that milk is such a necessity. When asked why this could not be done now, he stated that the demand for fluid milk has not yet reached that point, but admitted that if milk were sold at two or three cents lower per quart than it is to-day the consumption would be tremendously higher.

There should be some way of providing an unfailing supply of low priced milk first. This should be the prime purpose of milk production in this State. For the protection of the congested areas of population, State control is absolutely essential. The need is not unlike that which has necessitated legislation for the control of the water-shed of Long Island. The powerful pumps installed by the City of New York, in Nassau county, if unrestrained would drain all the farm lands of water. Legislation had to be presented to prevent the city withdrawing too much water and thus destroying these farms for farm purposes.

Reverting again to the financial aspects of the problem, the present difficulty in reaching the facts is because the milk business is broken into various parts, and no composite picture is possible. A concern, really a division, or the child of the parent company, deals in fluid milk only, and it is not credited with any profit accruing from the other and more profitable divisions of the parent concern. Were all the branches, divisions, and ramifications considered in their entirety, it would appear to him who runs that the milk industry is very profitable. The State should demand that every feature of the dairy business should come under its survey, so to insure the public an abundant supply of fluid milk. No one can doubt that the manufactured products are important as foodstuffs and their preparation should be encouraged. Our particular grievance is that the fluid milk division, by and of itself, offers less opportunity for high profits and there is not the same incentive to develop and popularize this wing of the business. Therefore, the Committee desires that there shall be compulsory control of the business as a whole, in order that there shall be, under each and every circumstance, an unfailing flow of fluid milk. Further, it is our contention that the profits of the entire business should be spread over every division, so that the public may buy fluid milk at a material reduction under the present price. When all features of the business are counted as one, this can be done without the cry of confiscation and ruination of the fluid milk business. In the Appendix, Exhibit D, will be found a statement from the Wall Street Journal confirming this opinion.

As a further evidence of the enormous profits made in the manufactured products milk business, the Spencer-Trask circular, the purpose of which is to solicit stockholders for the Borden Company, presents the important statements set forth in the Appendix, Exhibit E.

New York State, according to Federal figures, is second highest in the production of milk in the United States, with 1,524,000 dairy cows, Wisconsin leading with 1,785,000. New York ranks first in the value of its dairy products. But if these condenseries and other manufacturing concerns are allowed to continue making tinned milk and other products the day is not far distant when fluid milk will have to come from even greater distances than at present. The natural effect of such a disaster would be to increase still further the price of fluid milk, or to reduce the supply. This situation is paradoxical, to say the least, in view of the great milk production in this State and within a radius of 150 miles of New York City. For the relief of the public and to guarantee the health of our children, a proper remedy must be found. The Committee believes State control would solve the problem, and give cheaper milk, without disaster to the manufacturer, who could seek fields more remote from the centers of population.

25. *Maintenance and Operation of Vehicles.*

With a change in the railroad arrangements and with a zoning system in force, there should be effected considerable economics under this item of expense. The zoning would eliminate duplication and over-lapping of routes, with tremendous reduction in expense of delivery. Were the sale of milk in stores encouraged and the people given an incentive to go to the store to purchase milk, because of a decreased price, this would result in a great saving to the public. Just how great would be the effect of any cut in price will be realized when it is stated that every cent added to the price of milk means an increased expenditure in New York City of $8,000,000 per year.

26. *Profit and Loss.*

It would appear from the testimony taken by the Committee that the distributors of this city are not operating at a loss, but are reaping a profit. In the case of the Sheffield-Farms Company it was shown that in addition to paying dividends each year it also is adding substantial amounts to its surplus. There are losses in bad accounts, but they are more than counterbalanced in a multitude of ways.

The Production of Milk at the Farm

Consideration of the milk question cannot be complete without giving serious thought to the farmer and the necessity of his being contented. Milk differs from every other product of the farm, unless it be strawberries or some other equally perishable fruit. The ordinary economic laws governing barter and sale are not easily applied to milk. Wheat or oats or apples or carrots or parsnips, indeed almost anything produced by the soil, can be stored away awaiting a favorable market. The owner of the product has time at his disposal to find a selling place and to establish a decent price. The same is true of the manufactured products of milk, such as cheese, butter and milk powder. But fluid milk must be disposed of within a few hours or it becomes valueless in its fluid form.

The farmer has recognized this and from time to time to protect himself has organized various co-operative societies or corporations. He has attempted by collective bargaining to establish beforehand the value of the milk and thus protect himself against loss. The latest of these co-operative organizations is the Dairymen's League. This is said to consist of upwards of 70,000 members and it collects in one way or another, in form of dues or subsidies, in the neighborhood of $300,000 per year. The latest financial report was printed in the "Rural New Yorker" for December 20, 1919, and will be found in the Appendix as Exhibit F. This money is expended in paying large salaries to a large group of officers. The amount thus expended of necessity, becomes a charge against the price of milk to the consumer, but for the farmer it seems to be the only method of protection thus far evolved. Criticism has been expressed against the exemption afforded such an organization, by excluding it from the ordinary operations of the laws against trusts, monopolies and conspiracies against the public good.

No one can doubt that organizations of men in any profession or trade or occupation are most useful. In the dairy industry such organizations make for better methods of handling herds, for improvement in the quality of the animals, for the giving of advice about weeding out unproductive cows, and for suggesting better kinds of foods. All in all, they are most helpful in a multitude of legitimate ways, but as a price-fixing body, in the absence of regulation, there is serious objection to such an organization. Society must recognize some method of fixing the price of milk, but able attorneys who have studied the problem have stated that the present method of price fixing as used by the officers of the Dairymen's League and the distributors, represented by the New York Milk Conference Board, is in violation of the Sherman Law. Whether it is legal or illegal, it has the flavor of discrimination by the interested parties in the price of milk against the consumer. The Committee does not contend for one moment that the farmer is receiving too

much for his milk. It doubts if he is. The Committee desires to say in this connection, too, that it knows of nobody in official or private life in the City of New York who wishes the farmer to produce milk at a loss. He is entitled to receive a full return on the money invested, on the expense of maintaining his herd, on the cost of the feed stuffs, for the labor involved, and to receive in addition a fair profit on the business. Unless these conditions can be met, there will be no incentive to produce the milk, no growth of the industry, but, on the other hand, there is bound to be discouragement and ultimate decline in the amount of milk produced.

The Milk Business a Public Utility

There are increasing numbers of us contending that the milk business should be classified with the public utilities. In certain age groups, it has been pointed out, milk is almost as essential as air and water. In the life of the community the consumption of milk is infinitely more important than the operation of the transportation lines, the proper management of gas and electric plants, the operation of ferries, and the oversight of any other function which by common consent has been called a public utility and placed under governmental control. It is the opinion of the Committee that there should be provided by law an agency of some sort that would give similar attention to the dairy interests, would investigate its weaknesses, would point out to the improvident and unscientific farmer, if there be any, the defects in the management of his particular dairy, would undertake with the sanction and with the support of the State to provide the farmer with every facility in the way of information and assistance to increase his output and improve its quality. This official agency, if provided by the State of New York, would take into consideration the fact that the New York farmer is competing with the dairies of Pennsylvania, Vermont, Massachusetts, Connecticut, and New Jersey, and even with the Dominion of Canada. In establishing a price that the farmer might receive for his milk, this agency should take into consideration the special factors that militate against the New York farmer; it should protect him in establishing a price against the competition incident to better climatic conditions, better geographical location, and better economic surroundings, of the farmers in other states — factors which militate against the New York farmer. It certainly is the business of the State to protect the citizen, whether the citizen be a producer or a consumer, and there is wisdom enough in the Legislature of the State of New York to devise some plan of governmental control of the price of milk to the farmer that will amply protect him and, at the same time, insure the consumer that the basic price of milk as paid to the farmer is just and fair.

The Committee would not object to having a group of representative dairymen determine what in their opinion is a fair price for milk. But there can never be public satisfaction and content unless some governmental, and presumably disinterested, public official or body shall investigate the reasons advanced by the producer and distributor as to why a given price is a fair and proper one.

So, in the last analysis, it seems to the Committee, there must be some official and legally constituted agency to pass upon the fairness and justice of the established price. The farmer is entitled to have established a Court of Appeals, so to speak, to which he can take his grievance and which will insure economic justice. Likewise, the consumer should have a place to which he can carry his complaint, if he have any, regarding the basic price of milk. This official agency should have, not only the right to investigate the factors entering into the price presented, but also it should have the power to veto the action of any preliminary conference, and to substitute for the price established by that conference what this official agency shall deem to be a fair and reasonable price for milk. Such decision need not and should not be arbitrary, but it should be predicated upon evidence and careful study, and promulgated with the reasons for the determined verdict.

Municipal Operation

This Committee is firmly of the opinion that it is impossible to divorce the milk supply from the elements that make for or against the health of the community. On this account, there must be provided a sure guarantee that such a condition as prevailed in the city in January, 1919, will never occur again. Without any warning whatsoever, a milk strike was declared, and each day during the first week of the new year there was a reduction in the milk supply amounting on certain days to 50 per cent or more, of the usual consumption. In the Baby Health Stations operated by the City of New York, from which it was the solemn obligation of the municipality to furnish milk to the mothers of small babies, the milk supply was so seriously curtailed that for a number of days hundreds of infants were deprived of a large part of their only food. The Department of Health was put in the humiliating position of having to go out and beg milk, in order to get a sufficient supply for the Baby Health Stations. Serious consideration was given to the commandeering of milk, but fortunately ways were found to make up for the deprivation caused by the strike.

When this situation was described in the press, and it came to the attention of the farmers of the State, the city had immediate response from many kind-hearted dairymen, offering to supply an unlimited amount of milk, provided the city could furnish cans and handle it. Needless to say, under the conditions that exist at present, the municipality is not prepared to pasteurize, bottle and handle milk. There might arise other situations due to strike of similar disaster that would deprive the infants and the invalids of the necessary supply of milk. The city itself has under its control thousands of hospital beds, and each day requires a flood of milk to provide for the sick of the community.

Serious thought has been given to the question of whether or not the municipality should take over any part of the milk business. In view of all the facts, it is the opinion of the Committee that the municipality should erect and equip a small city milk plant capable of supplying the Baby Health Stations with the milk now furnished by private concerns. Under municipal operation, with no overhead charges for administration, such a plant would enable the city to sell milk to the mothers of babies and small children at a material reduction under the present price. This would enable the health authorities to guarantee at all times a supply of milk to the babies and to the sick in the hospitals.

This recommendation does not contemplate any interference with private enterprise, and should not commit the city to undertake the whole burden of manufacturing and distributing the milk supply. As a matter of health precaution, however, it is a method of insurance that seems to this Committee one of the natural and proper undertakings of the municipality.

It is the recommendation of the Committee, therefore, that the City of New York appropriate a sum, not to exceed $200,000, for the equipment of a milk plant and the purchase of all the necessary accessories for the handling of not to exceed 50,000 quarts per day. This amount of money would furnish an establishment capable of supplying the fifteen or twenty thousand quarts now sold through the sixty Baby Health Stations. It would permit the city to open milk stations in other sections of the city where malnutrition exists and where poverty prevents the purchase of large quantities of milk. It would guarantee, in any and every event, a sufficient supply of milk to furnish the hospitals, the babies, the nursing mothers, and the invalids of the city.

Conclusions

After these many weeks of study, it is the conclusion of this Committee that the present price charged for milk is unfair and excessive.

If we accept the statements of producers and distributors, under the present methods employed in production and distribution the price cannot be reduced.

In view of all the facts brought out in the testimony, and by reason of the Committee's study of the problem, it ventures the opinion that official action is required in order to improve the methods of distribution and reduce the price of milk.

The Committee recommends action as follows:

1. *Congressional Action.*

In view of the fact that many of the problems connected with the milk industry are interstate and national in character, it seems to the Committee that the dairy and milk industry should receive the serious attention of the National Congress. Cheap milk at the farm demands cheaper food for the cattle. Interstate regulation and control will assist materially the final solution of all the problems involved.

This phase of the question is referred to in order that the report may be complete. As national matters are beyond the jurisdiction of the Committee, it is unnecessary to go into details.

2. Legislative Action.

It is the Committee's recommendation that the Legislature declare the milk business one affected with a public interest; and that the power to fix rates be delegated to a new, separate State Board, composed of three officials, removable at the pleasure of the Governor, with authority to subpoena producers and dealers in milk and milk products, and their records, and to fix the prices paid to the farmer and charged by the distributor to the consumer.

General Powers and Duties of the Milk Commission

It is the opinion of the Committee that the proposed Milk Commission should have the following powers:

1. The Milk Commission shall have power and control over the dairy and milk industry of the State of New York.

2. It shall aid in the promotion and development of the dairy resources of the State, and the improvement of the conditions of dairying.

3. It shall investigate the methods and figures of the milk producer used in fixing the price he shall receive for his milk.

4. It shall investigate the methods and figures used by any person, firm or corporation engagedd in the business of selling milk to the public, in arriving at the price he shall charge for milk.

5. In the event that the Milk Commission, after a thorough investigation, determine that the prices recommended or fixed by the producer or distributor are not fair and reasonable, the Milk Commission shall determine and fix a reasonable price that the milk producer shall receive for his product, and also a reasonable price that the dealer shall charge the consumer.

6. It shall investigate and supervise the milk industry, from the cow to the consumer. It shall have jurisdiction, not only over the fluid milk but also over the manufactured products of milk, with the exception, however, that the Commission shall not interfere with the power of the State Health Department or the local health officers to supervise the quality of milk and the conditions under which it is produced and sold. All control and supervision over milk and milk products now given to the Department of Farms and Markets, in the Division of Agriculture and in the Division of Food and Markets, or elsewhere, shall be transferred to this Milk Commission.

7. It shall require every producer of milk to register with the Commission and to report to the Commission at stated periods, showing the disposition of the milk and milk products sold, setting forth the name and address of the station or stations to which he delivered it, the prices obtained therefor, and a statement as to whether such milk was sold for fluid or manufacturing purposes.

8. It shall require the operator of every milk shipping station, condensery, butter factory, cheese factory, or other plant engaged in the manufacture of milk products, and every distributor of milk and milk products, to register with the Commission and to report to the Commission at stated periods, showing the amount of milk received, the price paid therefor, the names of the producers, and the eventual disposition of the milk, together with such other information as the Milk Commission may deem necessary.

9. In order to speedily weed out wasteful reduplications in routing, the Commission shall require each distributor in cities of the first class, to file with it a map of the territory covered by each wagon in the distribution of milk.

10. It shall have the power, in order that a sufficient quantity of fluid milk may be supplied, to prohibit the sale of milk, in whole or in part, for manufacturing purposes, and to divert it to the shipping stations to be sold as fluid milk.

11. It shall inquire into all elements of cost entering into the production, collection, transportation, handling and distribution of milk. It shall have authority to subpoena producers and dealers in milk and milk products, their records, and any other persons from whom information may be desired.

12. It shall cooperate with and aid producers, distributors, and consumers of milk in improving and installing economic and efficient system of production, collection, transportation and distribution of milk.

13. It shall investigate and report to the Governor whenever remedial legislation is considered necessary.

14. It shall have the power to divide cities of the first class into zones or districts, and to direct the sale and distribution of milk and milk products within said zones or districts, especially as to the number of distributors who may be allowed or permitted to operate within each zone or district.

15. It shall have the power to enforce its orders, directions and regulations, a violation of which shall be a misdemeanor, punishable by a fine of $500 or a year in prison for each offense or both.

16. It shall have the power to consolidate existing creameries, shipping stations, receiving stations, and pasteurization plants in each county of the State of New York, and to designate the number association of the same.

17. It shall have power to adopt such necessary regulations to carry out the purposes and objects of its creation, which regulations shall have the force and effect of law.

3. *Municipal Action.*

It is recommended by the Committee that the city of New York be authorized to purchase, pasteurize, and sell milk in the present emergency, as a post-war measure, and that this intent be declared in the title of the bill prepared to give it effect.

The appendix, Exhibit G, contains a brief on the power of the Legislature to enact the laws necessary to give the relief desired.

Final Word

The Committee is assured by counsel that the emergency created by the war fully justifies its asking for such legislation as it suggests. It has been pointed out that enormous quantities of milk products are being exported daily. For the next two or three years, while the European countries are restoring their herds of cattle, and making provisions for self-support, there will be such calls upon the United States for the manufactured products of milk as actually to endanger the health and lives of the children of this city by their deprivation of fluid milk. It would be little short of criminal to omit taking those steps that will make for self-preservation. Nothing is more important to the future of this city, and to the future of the State of New York, than that the children of the present shall be given a physical foundation of good health that will permit them to become useful and energetic citizens in the future. This is impossible without an unfailing

flow of pure millk, and its unstinted use by every child in the city. There must be assurance that the milk will be supplied, and that its price shall remain low enough to enable every parent to buy it in required quantities. When the public is satisfied that the established price is fair and just, then every energy of all concerned can be expended in the direction of increased consumption. Who can doubt that the use of three million quarts, or four million quarts per day, would mean great things for the future of New York? For economic reasons alone it would be the best sort of social investment. Give the children perfect nourishment and good health, and the educational period would be reduced. Good health makes for clear brains, and clear brains make for speedy acquisition of knowledge. Cut but one year from the school attendance of children who would otherwise linger in the grades, and tens of thousands of dollars will be saved in the Department of Education. Give the city healthy bodies, and the life expectation of the next generation will be extended, hospital demands will be lessened, production will be increased, and the material prosperity of the community will be enhanced. Milk is the blood of the child, and to deprive him of milk is equal to opening his veins. Let us supply the milk, and thus supply the vital force essential to happiness, to health, and to long life. Let us press forward, with the firm and steadfast determination to solve the milk problem, once and for all!

For the Committee,

ROYAL S. COPELAND,
Chairman.

Dec. 27, 1919.

NOTE.— The Report of the Commissioners on the High Cost of Living is contained in Section X of the 1919 Public Papers.

Adequate Appropriations for State Hospitals — Transmitting Report of Dr. Hermann M. Biggs and Dr. Pearce Bailey, Appointed by the Governor to Make a Survey of the Institutions

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, N. Y., February 2, 1920.

To the Legislature:

During the summer my attention was called to the conditions obtaining in the hospitals for the insane throughout the State, and I requested Dr. Hermann M. Biggs, State Commissioner of Health, and Dr. Pearce Bailey, Chairman of the Commission for Mental Defectives, to make a survey of several of the institutions for the purpose of getting the facts. My selection of two officials outside of the Hospital Commission must not be understood in any way to reflect upon the State Hospital Commission. I did it in the belief that information gathered by men from the outside, corroborated by the Hospital Commission itself, would have a greater weight in setting before the people of the State the exact conditions.

The State has assumed the sacred obligation of taking care of the unfortunate men and women in our hospitals for the insane, and it should be and must be done right. To simply house them up, and thereafter do nothing to bring about conditions to improve their well-being, would mean that we were not discharging that obligation in good faith.

I am sending you with this message a copy of the report made to me by Doctors Biggs and Bailey, together with letters from the superintendents of some of the State hospitals. You will find by reading them that the trouble lies, first, in the fact that the State has fixed the salaries too low to command the necessary help, and, second, has failed to provide, in some instances, decent sleeping quarters for the help. Dr. Bailey, in his letter, sums up in a few words when he says:

"The greatest evil that results from the shortage of help is that most patients, unless they are perfectly quiet and reliable so that a large group of them can be taken out for exercise by one or two attendants, are kept locked up. * * * The reason of the shortage of attendants seems purely economic. It apparently would not be difficult to obtain competent people to serve as attendants, people who like the work, if salaries could be paid to them in amounts such as they can receive when working on the outside."

At the Brooklyn State Hospital, Dr. Harris certifies that out of a total ward help of 139, that on November 16th last he had 77 vacancies. Further, in the Brooklyn State Hospital, it is certified in the report that serious accidents have occurred during the course of the year, due to the lack of attendants.

It seems a great pity that, at a place like Central Islip, patients are kept indoors during the summer months because of a lack of sufficient number of attendants to give them sunshine and fresh air.

Dr. Heyman, of the Manhattan State Hospital, referring to the lack of proper accommodations for employees, stated:

"In addition to the handicap of small pay, the shortage of satisfactory living conditions for employes at the hospital militates strongly against the retention of those who do occasionally come to us. Small pay and uncomfortable living conditions constitute an almost insurmountable barrier to the retention of efficient employees."

I call this to your attention and submit this report to you to the end that you may make appropriations adequate to command the character of help required to maintain the efficiency of our State institutions.

(Signed) ALFRED E. SMITH.

Report of Hermann M. Biggs, M. D., State Commissioner of Health, and Pearce Bailey, M. D., Chairman of the Commission for Mental Defectives

January 12, 1920

To his Excellency, ALFRED E. SMITH, *Governor of the State of New York, Albany, N. Y.:*

DEAR GOVERNOR SMITH.— In accordance with your directions, we submit herewith report on inspection of the following State hospitals: Central Islip, Brooklyn, Manhattan.

The specific information concerning the different institutions is enclosed on three separate sets of notes. Our general conclusion in reference to the three hospitals is that they are all suffering from the same trouble, viz.,

lack of employees and especially of attendants and nurses. They are also short in the medical staff, although this shortage it is expected will be made up within a reasonable time. The shortage of attendants is very pronounced, so that now one attendant is asked to look after from twenty-five to fifty patients, whereas there should be one attendant for every eight to twelve patients. This shortage has resulted in the collapse of these hospitals as progressive therapeutic institutions. The individual care of the patient as far as the physical condition is concerned has been maintained. The patients are, for the most part, clean, well nourished, well clothed. Strenuous efforts are made to keep the hair of the women clean, but this is not always possible, as, by reason of the inability to isolate incoming patients, these incoming patients sometimes infect others with lice. This condition, however, is not frequent and the attendant staff make heroic efforts to combat it.

The greatest evil that results from the shortage of help is that most patients, unless they are perfectly quiet and reliable so that a large group of them can be taken out for exercise by one or two attendants, are kept locked up. Noisy and disturbed patients get little or no outdoor exercise and only such outdoor air as may be obtained by sitting on the porches. Hydrotherapy is no longer possible and the wards are more noisy and disturbed than they should be. The fault is most glaring in the reception wards. The reception wards are the most important of the whole hospital, as here take place the classifications which determine the kind of care and treatment patients should receive while in the hospital. The reception wards are all overcrowded, under-manned, little treatment is possible and the classifications are imperfect.

The reason of the shortage of attendants seems purely economic. It apparently would not be difficult to obtain competent people to serve as attendants, people who like the work, if salaries could be paid to them in amounts such as they can receive when working on the outside.

Yours very respectfully,

(Signed) HERMANN M. BIGGS, M. D.
(Signed) PEARCE BAILEY, M. D.

CENTRAL ISLIP STATE HOSPITAL

Visited the hospital on November 14, 1919.
Property of hospital, 1,000 acres.

Number of buildings, 129, which are divided into two colonies, north and south, with a central administration. These colonies are divided into groups, consisting of four to eight buildings, under a senior assistant physician, with his assistants. Classification is carried on so far as possible, in regard to the form of insanity and the social conditions of the patients. This is, of course, encroached upon and not perfect due to the overcrowded condition. Sixty-five of these buildings are for the care of patients the remaining for general administration, steam plants, attendants' homes, farm, etc.

	Men	Women	Total
Capacity	2.369	1,731	4.100
Census	3,063	2,612	5.678

showing a total of overcrowding of 1,578, especially in the women's department.

Number of employees allowed	844
Number of vacancies (larger on women's side)	200
Physicians allowed	28
Number of vacancies (consisting of 1 first assistant physician, 2 senior assistant physicians, 3 assistant physicians, and 2 medical internes)	8

It was difficult to get physicians by the former salary, but with the present increase, lately allowed by the Governor, the superintendent feels that these places will be filled. He also states with the present overcrowding and the shortness of help, that the scientific treatment has been reduced to almost nil, and the custodial treatment is only fairly good; the attendants and employees are overworked, due to this condition, and by the aid of patients, who are willing workers, they are able to exist. Every opportunity is made to do the best and give the highest quality of care that the conditions allow, and due to the loyalty of the employees, they have been able to get along with few minor accidents, although those have increased for the want of sufficient number of attendants to prevent clashes between disturbed patients.

A large number of cases have been paroled who should have longer treatment in the hospital, but they feel that at home with less crowded condition, the patients would have a better chance of improvement. The superintendent feels if sufficient number of buildings were constructed to relieve this overcrowding and sufficient salaries given to the caretakers, that more satisfactory results would be obtained. This would also mean proper scientific and custodial care.

The following are the wards visited by Dr. Nicoll and Dr. Bailey, with remarks:

Ward or group	Ward S–5
Sex	Women
Treatment	Convalescent and custodial
Normal capacity	100
Actual number of patients	120
Normal number of attendants	6
Number of attendants on duty	3
Number of attendants short	3

NOTE.— Patients do all the work under instruction, excepting in reference to meals, in the central dining-rooms. Ward remarkably well ventilated and well kept. The patients do not get sufficient exercise because of want of help to take them out.

Ward or group	Ward S–4
Sex	Women
Treatment	Disturbed — custodial
Normal capacity	100
Actual number of patients	120
Normal number of attendants	7
Number of attendants on duty	4
Number of attendants short	3

NOTE.— This ward noisy and patients show very much the lack of outdoor exercise, due to the want of help.

Ward or group	S–6
Sex	Women
Treatment	More or less disturbed — custodial
Normal capacity	100
Actual number of patients	120
Normal number of attendants	6
Number of attendants on duty	3
Number of attendants short	3

NOTE.— More or less disturbed patients.

Ward or group	Ward D–2

Sex	Male
Treatment	Infirmary
Normal capacity	56
Actual number of patients	65
Normal number of attendants	9
Number of attendants on duty	6
Number of attendants short	3

NOTE.— The occupants of these beds are practically bedridden, filthy — many of them incontinent as to urine — filthy cases. Very liable as to bed sores. Attendants go around every hour to inquire as to the necessity of changing the linen, etc. Patients fed by hand, or by the bed side. Few of these patients able to give assistance to attendants. In spite of these difficulties, there was only one bed sore in the ward.

Ward or group	Group G
Sex	Male
Treatment	Reception service
Normal capacity	175
Actual number of patients	246
Normal number of attendants	35
Number of attendants on duty	14
Number of attendants short	21

NOTE.— Owing to the shortage of attendants, there is a yard for exercise, which is contrary to traditions of modern care of the insane. The shortage of attendants and space in these wards is most conspicuous; as these patients arrive at the hospital from metropolitan district, unclean, unclassified, and unexamined, it is the most important division of the hospital and requires the largest number of help. Their opportunities for exercise are therefore greatly reduced. These wards are badly overcrowded, and beds practically in contact.

Ward or group	Group G–1
Sex	Female
Treatment	Reception service
Normal capacity	187
Actual number of patients	400
Normal number of attendants	32
Number of attendants on duty	14
Number of attendants short	18

NOTE.— These wards are badly overcrowded and beds practically in contact. Dr. Smalley, woman physician, of this ward, who has been there for the past ten years, says that owing to the shortage of attendants, she has been obliged to give up any idea of real therapeutic treatment, only the quieter patients can go out for exercise. They cannot guarantee to keep the heads of the patients free from lice, as they have not sufficient means of combing the hair and are not allowed to cut the hair off. Patients coming from the city infect other patients because they cannot be isolated until their own lice are removed. Every effort is being made to overcome this matter, and one patient who was alleged to have lice showed signs of having had her hair carefully attended to.

Ward or group	Group H
Sex	Female
Treatment	Disturbed, infirmary acute, chronic
Normal capacity	618
Actual number of patients	945
Normal number of attendants	85
Number of attendants on duty	44
Number of attendants short	41

NOTE.— Very badly overcrowded.

Ward or group	Group K, ward 6
Sex	Male
Treatment	Chronic, sick and infirmary ward, filthy disturbed, crippled and infirm.
Normal capacity	561
Actual number of patients	675
Normal number of attendants	75
Number of attendants on duty	55
Number of attendants short	20

NOTE.— Ward 6, of this group K shows a particularly serious condition as in this ward there are 90 very disturbed and dangerous patients, practically all of them bad characters, criminals, disturbed and violent, and they have only six day attendants, when they should have double that number.

EMPLOYEES ON JUNE 30	Men	Women	Total
Total number of employees	444	189	633
Ratio of all employees to patients	1 to 6	1 to 13	†1 to 9
Number of nurses and attendants	220	126	346
Ratio of day nurses and ward attendants to			
Number of day nurses and ward attendants.	173	88	261
patients	1 to 17	1 to 29	‡1 to 21
Number of night nurses and ward attendants	47	38	85
Ratio of night nurses and ward attendants to patients	1 to 62	1 to 66	1 to 64
Ratio of all nurses and ward attendants to patients	1 to 13	1 to 20	*1 to 16
Number of graduates of State hospital training school employees	35	53	88
Number of graduates of training schools of general hospital employees	1	2	3
Percentage of ward employees that are graduates of State hospital training schools	15.9	42	25.4

† Includes 54 employees absent on pass, vacation and leave — making the actual ratio of all employees to patients 1 to 10.

‡ Includes 35 day nurses and attendants on pass, vacation and leave — making the actual ratio 1–25.

* Includes 44 day nurses and attendants, on pass, vacation and leave — 1 to 18.

NOTE.— These figures and report is as on the payroll, but there should be deducted from this number those who are on pass, or sick, to get the average on duty.

This averages daily 85 persons approximately.

Sixty-six days allowed for pass and vacation per annum, taken four days a month and the remaining in a vacation.

BROOKLYN STATE HOSPITAL

Brooklyn, N. Y., *November* 16, 1919

ISHAM G. HARRIS, M. D., *Superintendent*

DR. PIERCE BAILEY, 45 *West Fifty-third Street, New York:*

DEAR DOCTOR— I send herewith by messenger the data which you desire.

The certified capacity which I gave you of 637 was the number officially certified by the State Hospital Commission. We opened the reception since that certification. adding 150 patients and we put in a few beds at Creedmoor, which have not been officially certified to. Therefore, we rate our capacity at 800 at this time, instead of 637.

We give you in tabulated form, the number of patients on each ward, capacity as certified, number of attendants on duty, number allowed, and the shortage, all in separate columns. You will notice that we have 77 vacancies out of a total number of ward help of 139. The number allowed on our budget is 156, but the extra number, the difference between 139 and 156, should not be counted because the extra number is to care for 200 patients in one of the new buildings, which has not as yet been opened. We also have 72 women sleeping temporarily in the building west, who are of our best type of patients and we have no night nurse with them at all. These are marked on our table as "Whitman 72." As stated above, they only sleep there. During the day they are scattered about the institution in various departments doing work.

Our bookkeeper informs me that instead of $30,000 to be returned for personal service this year, it is nearer $40,000, and that we will have about $10,000 surplus under the head of "Foods." This extra amount returned out of Personal Service is of course due to our inability to obtain employees. The excess returned from "Foods" is due to the fact that we estimated we would have our new building opened and filled by this time, but because of the unusual stress of the times and the inability of the contractors to complete their work, these buildings have not been occupied. Therefore, the excess of money for "Foods."

The overcrowding on the female side will be entirely eliminated as soon as we get into our new buildings, which are now 99½ per cent completed.

I wish to assure you and Dr. Nicoll of our hearty cooperation in this matter, and if there are any other data you desire, I shall be very pleased to furnish it.

Yours very truly,
(Signed) I. G. HARRIS.

Brooklyn State Hospital, visited by Dr. Nicoll and Dr. Pearce Bailey, resulted in the following information:

Actual census (on parole 118). See note 1 at end	1,177
Certified capacity	637
Over crowding, actual	422
Medical staff — short	3 officers
Attendants allowed	139
Attendants on duty	62
Attendants — short	77

The superintendent states that the vacancies for attendants during the past year varied from 25 per cent to 45 per cent.

The present ratio of attendants to patients is as follows:

Day attendants, male	1 to 25 patients
Night attendants, male	1 to 50 patients
Day attendants, female	1 to 36 patients
Night attendants, female	1 to 90 patients

The normal ratio is one to eight patients. Today the ratio in this hospital is one attendant to fifty patients.

The total number of employees allowed is 305; total employees on duty, 190; total shortage of employees, 115.

The service in this hospital is active, as last year there were 801 admissions, 30 per cent of which were stretcher cases. Many of the patients are excited and only a small proportion of chronic, quiet cases, which in many of the other hospitals are of great assistance in carrying on the work of the institution. This fact makes the difficult situation of the Brooklyn State Hospital somewhat unique.

The superintendent states that during the last year the recoveries declined about 8 per cent, and that accidents occurred as a result of shortage of help.

Numerous minor accidents have occured during the year. Among the more serious accidents have been, the fracture of eighth rib; two cases of fracture of femur near the neck; facture of lower jaw; dislocation of arm at shoulder; fracture of external condyle of the humerus; fracture of fifth rib; colles fracture; fracture of middle third of left ulna; fracture of right clavicle.

Wards	Census	Capacity	Overcrowding	Attendants on duty		Attendants allowed		Shortage		Classification
Female				Day	Night	Day	Night	Day	Night	
1	43	30	13	.....	.....	3	1	3	1	Chronic; feeble; senile
2	46	40	6	2	1	3	1	1	.....	Chronic; feeble; senile
3	56	48	8	2	1	7	2	5	1	Infirm; bedridden
4	11	.....	11	.....	.....	.....	.....	.....	.....	Infirm; bedridden
5	51	60	.....	.....	.....	3	1	3	1	Quiet; chronic
6	58	45	13	3	1	10	4	8	2	Very disturbed
8	59	40	19	1	.....	4	1	3	1	Chronic; workers; some disturbed
9	74	45	29	2	1	9	3	8	1	Chronic; disturbed
Reception, female										
1	24	25	.....	2	.....	2	1	.....	1	Acute convalescent
2	22	25	.....	.....	.....	2	1	2	1	Acute convalescent
3	24	25	.....	1	1	3	1	2	.....	Mild depressions
4	24	25	.....	1	.....	3	1	2	1	Mild depressions
5	24	25	.....	3	1	6	2	3	1	Receiving; disturbed
6	28	25	3	3	1	5	2	2	1	Receiving hospital
Male										
11	27	11	16	.....	.....	2	1	2	1	Chronic; feeble
12	42	30	12	3	1	4	2	1	1	Infirm; bed cases
13	47	45	2	5	1	5	2	.....	1	Infirm; bed cases
14	38	20	18	.....	.....	2	1	2	1	Convalescent
15	30	31	1	7	2	7	2	.....	.....	Reception; disturbed
16	62	45	17	6	2	9	2	3	.....	Very disturbed
17	19	50	.....	1	1	2	1	1	.....	Mostly workers
18	29	25	4	1	.....	2	1	1	1	
19	68	50	18	1	1	6	1	5	.....	y; mildly disturbed
Creedmore	81	35	46	3	.....	5	1	2	1	Quiet; trusty class; number of farm workers
Whitman	72	.....	.....	.....	.....	.....	.....	.....	.....	
	1,059	800	.....	47	15	104	35	59	18	

One male patient committed suicide by hanging. One female patient attempted suicide by hanging.

The hospital has been condemned by reason of its physical condition, but this is being taken care of by new construction plans of the Hospital Development Commission, so the great overcrowding which exists in the hospital is probably temporary. It must be mentioned, however, that this is very serious. Small single rooms have two beds, and all wards are overcrowded. There are no day rooms left.

The care of the patients has actually fallen off very much. Only trusted and quiet patients can be sent out doors. The disturbed patients do not get out once a month, because there is no one to take them out.

There has been an absolute cessation of occupations, amusements, and hydrotherapy. In spite of these deficiencies the patients are clean, well cared for, and seem well nourished. There has been no increase in the mortality.

The management of the hospital is entitled to great credit for the physical condition of the patients, under the circumstances, but at the same time the care of the patients has fallen far behind what it ought to be in an institution of this kind, and this leads to great dissatisfaction among the medical officers and employees, and unless these conditions are remedied, it will be increasingly difficult to obtain and retain competent people.

Such employees as have remained during the present emergency have probably been induced to remain in consideration of the pension, and some from loyalty to the institution.

The great defect in the conduct at this hospital at present is reducible almost entirely to the shortage of employees. Employees cannot be obtained at the wages offered, in spite of the efforts of the superintendent in advertising, and appeals to different organizations. This hospital is particularly unfortunate in this respect, that it is located in the metropolitan district where it cannot compete, owing to its present appropriations, with current wages. For example, a nurse paid $50 here, recently went to a New York City hospital at $70.

This condition might be remedied temporarily by the transfer of moneys form one segregation of the budget to another, *i. e.*, this hospital last year returned to the State Treasury approximately $40,000, under the heading of "Personal Service." This year, with a deficiency of $18,000 in different segregations, the hospital is returning approximately $30,000 under Personal Service.

Another difficulty in keeping employees at present is the wretched physical condition of the main building as to nurses' bed-rooms, dining-rooms, kitchens, etc.

On ward 6 there are two attendants to fifty-eight patients. The majority of these patients were of the disturbed class, some of them actually violent, requiring restraint. Two were in camisoles, sitting in chairs. One patient had to be forced, with a good deal of difficulty, by the nurse, into a single room, having just broken the glass of the window. She is regularly assaultive and destructive in her habits.

On ward 5, reception — twenty-five patients, twenty of whom were observed to be disturbed. Many were very noisy, some destructive. A nurse exhibited evidence of assault by a patient the day previous. Two attendants on day duty and one at night.

A new hydrotherapeutic apparatus is in order for immediate use, but it has been impossible to use same owing to lack of attendants.

Wards 3 and 4, reception — fifty patients, with one day nurse and one night nurse.

Ward 13 — male — feeble and infirm — sixteen patients in bed — forty-six patients in all — requiring constant attention — involuntary passing of urine and feces — three day attendants and one night attendant. One day attendant was in charge at the time of the visit,— a man over seventy years old — the other two attendants were at dinner.

Wards 11, 12 — male — quiet — seventy-five patients, feeble and infirm. Nineteen in bed. In same condition as noted in ward 13. Three day attendants and one night attendant.

Ward 16 — Five attendants to sixty-six patients; majority of patients very much disturbed and a number confined in rooms, who were exceedingly violent and destructive. Two night attendants.

Ward 15 — Reception ward for men — fifty-eight patients — five day attendants and two night attendants. Patients all more or less disturbed. Twelve in bed.

NOTE NO 1.— The certified capacity which I gave you of 637 was the number officially certified by the State Hospital Commission. We opened the reception since that certification, adding 150 patients and we put in a few beds at Creedmoor, which have not been officially certified to. Therefore, we rate our capacity at 800 at this time, instead of 637.

I. G. HARRIS,
Superintendent.

MANHATTAN STATE HOSPITAL

November 22, 1919

MARCUS B. HEYMAN, M. D., *Superintendent*
Attention Dr. Nicoll.

DR. HERMANN M. BIGGS, *Commissioner, State Department of Health, Albany, N. Y.:*

MY DEAR DOCTOR BIGGS.— Agreeably to the request of Dr. Nicoll, who visited the hospital yesterday, I hand you herewith a tabulated list of our wards, showing:

Census of each ward.

Character of patients on each ward.

Necessary number of nurses and attendants to adequately care for these patients.

Number of nurses and attendants actually on duty.

Shortage of help on each ward.

Owing to the small wage the State pays the employees of this hospital, we are unable to compete with general hospitals in the city or with private employers.

Many of our best employees have left us for positions that pay them more per week than they receive per month at the hospital.

I am strongly of the opinon that relief can only be had by the State's paying its nurses and attendants a substantial increase over the present rate. Practically all of our wards are inadequately manned, and the patients, therefore, are not receiving the care and attention their condition makes necessary.

In addition to the handicap of small pay, the shortage of satisfactory living conditions for employees at the hospital militates strongly against the retention of those who do occasionally come to us. Small pay and uncomfortable living conditions constitute an almost insurmountable barrier to the retention of efficient employees.

I believe the laborer is worthy of his hire, and the several hundred underpaid, self-sacrificing men and women nursing the sick and caring under the most trying circumstances for the unfortunate victims of society in our hospital should have the same consideration, as far as pay and comfortable living conditions are concerned, as the employees connected with private industrial and commercial enterprises.

We have advertised extensively in papers and magazines throughout the country for nurses and attendants, but with no substantial results.

Respectfully,

(Signed) M. B. HEYMAN,
Superintendent.

Female Service

Ward	Census	Character of patients	Necessary number nurses and attendants		At present		Shortage	
			Day	Night	Day	Night	Day	Night
1	69	Chronic; industrious...	2	1	1	....	1	1
2	66	Chronic; industrious...	2	....	1	....	1	....
3	59	Chronic; industrious...	2	1	....	....	2	1
4	55	Chronic; industrious...	2	1	....	1	2	....
5	59	Chronic; industrious...	2	1	1	1	1	....
6	55	Chronic; industrious...	2	....	1	....	1	....
7	56	Chronic; industrious...	2	1	....	....	2	1
8	57	Chronic; industrious...	2	....	....	....	2	....
9	63	Feeble; bedridden.....	2	1	1	1	1	....
10	61	Chronic; disturb.....	2	1	1	1	1	....
A-14	64	Acute; disturbed.....	12	4	4	3	8	1
14	87	Acute; disturbed.....	6	1	2	1	4	....
15	82	Homicidal; disturb....	8	2	3	1	5	1
16	86	Homicidal; disturb....	8	2	3	1	5	1
17–20	373	Feeble; bedridden.....	20	6	9	4	11	2
21	155	Feeble; senile.....	12	4	7	3	5	1
22	33	Convalescent.....	1	....	1	....	...	....
23	138	Suicidal.....	12	5	6	4	6	1
24	32	Hospital.....	6	3	3	1	3	2
25	54	Obstetrical.....	2	1	1	1	1	....
26	52	Chronic; feeble.....	6	3	2	2	4	1
27	53	Feeble; bedridden.....	6	2	2	1	4	1
28	106	Epileptic.....	7	2	3	2	4	....
29	129	Chronic; disturb.....	7	2	2	1	5	1
30	127	Chronic; disturb.....	7	2	2	1	5	1
31	71	Chronic; industrious...	3	1	....	....	3	1
32	68	Chronic; industrious...	3	1	1	1	2	....
33	70	Chronic; quiet.....	3	1	1	....	2	1
34	69	Chronic; quiet.....	3	1	1	1	2	....
66–68	152	Reception service.....	21	8	11	7	10	1
69	46	Reception service.....	4	2	2	1	2	1
71	51	Chronic; industrious...	2	1	1	....	1	1
Dent.	92	Pythisis.....	12	4	4	2	8	2
A	61	Convalescent.....	2	1	1	1	1	....
B	62	Convalescent.....	3	1	1	....	2	1
C	62	Acute; depressed.....	6	2	2	1	4	1
D	69	Acute; depressed.....	6	1	2	1	4	....
57	84	Chronic; quiet.....	2	1	1	1	1	....
58	71	Chronic; quiet.....	3	1	1	1	2	....
60	84	Chronic; quiet.....	2	1	1	1	1	....
61	64	Chronic; quiet.....	2	2	1	1	1	1
	3,356		217	75	87	49	130	26

Male Service

Ward	Census	Character of patients	Necessary number nurses and attendants		At present		Shortage	
			Day	Night	Day	Night	Day	Night
35	121	Acute; quiet	5	1	4	1	1	....
36	46	Acute; disturbed	10	4	9	4	1	....
37	98	Epileptic	7	2	6	1	1	1
38	89	Quiet; chronic	4	1	3	1	1	....
39	119	Quiet; chronic	6	1	3	....	3	1
40	77	Chronic; excited	8	2	7	2	1	....
41	99	Idle; unclean	8	2	7	1	1	1
42	104	Idle; unclean	9	2	7	2	2	....
43	78	Homidical; chronic	8	3	5	2	3	1
44	115	Chronic-workers	2	1	1	1	1	....
46	111	Chronic; industrious	4	1	3	1	1	....
47	108	Chronic; industrious	4	1	3	....	1	1
48	132	Chronic; industrious	4	1	4	1	...	....
50	93	Chronic; industrious	5	1	3	1	2	....
51	99	Chronic; industrious	5	1	4	1	1	....
52	117	Feeble; bed	7	2	6	1	1	1
53	108	Chronic; industrious	5	1	2	1	3	....
54	106	Chronic; industrious	5	1	4	....	1	1
55	108	Chronic; industrious	5	1	5	1	...	....
56	93	G. P.; bed cases	7	2	7	2	...	....
59	135	Hospital	7	4	6	3	1	1
62	79	Chronic; workers	3	1	2	1	1	....
63	57	Reception	10	4	10	4	...	....
E-64	31	Reception	3	2	3	1	...	1
W-64	24	Reception	6	3	6	2	...	1
65	61	Convalescent	3	1	3	1	...	....
"K"	59	Pythisis	3	2	2	1	1	1
		Substitutes for relief	....	5	....	5	...	....
	2,467		153	53	125	42	28	11

NOTES ON WARD'S ISLAND INSPECTION

Main Building

Thirty-five male attendants. Sleep in basement. Very small individual rooms under steam pipes, said formerly to have been used as restraining cells. Very difficult to get attendants to take service when seeing these quarters. In other parts of the hospital male attendants when off duty sleep even on disturbed wards as there is no other place for them.

Ward 40 — Disturbed

Sixty-eight patients. Five day attendants; two night attendants.

Ward 43

Composed of male homicides, assaulters and runaways. Very unruly type of inmates. Five day attendants; two night.

Ward 42

Male. Filthy and untidy patients, a number of them having their clothing changed three and four times a day. Four day attendants; 2 night.

Ward 41

One hundred patients. Four attendants by day; one at night.

Ward 59

East building hospital ward. 100 to 141 patients; sixty bedridden. The bedridden patients are practically helpless having no control over bowels or bladder and have to be changed at almost hourly intervals in order to be kept reasonably clean. Food has to be brought to each individual. Seven nurses in attendance on these wards during the day; four at night. Due to overcrowding a hallway adjoining this ward is used for a ward with thirty-four patients. The beds here are actually in contact.

Ward 60

Eighty patients — fifty in bed in rooms and hallway, the requirements being as just stated for fifty-nine. There are five men and one woman by day and two at night.

Ward 17 — *Female*

Practically all bedridden. Beds one and one-half feet apart. Patients 101. Four attendants by day and two at night.

Ward 14-a

Sixty-two patients in separate rooms. Many of these patients very much disturbed, uncleanly and requiring restraint. Four day nurses and three night nurses. Female nurse on this ward convalescing after two weeks, due to an assault by one of the patients. It was stated that a year or two ago the same nurse had her arm broken by a patient.

General Observations

Wards as clean and well kept as is humanly possible under the conditions existing. Attendants doing their duty faithfully and with extraordinary efficiency but under great disadvantages. Some of the buildings in which the patients are housed, even with complete number of attendants, cannot be regarded as adequate in structure or condition for the patients which they now hold. Hydrotherapeutic measures have been practically abandoned as there is no one to give them, but bed packs are still in use when it is possible to give them. The patients are taken out of doors very much less frequently than when there was the full number of employees.

The general effect upon one who has made even a casual inspection of this hospital is astonishment at the efficiency with which work is performed, the amount of it required of employees, and that any number of employees should be found who would undertake to do this type of work under the conditions as they are at present and at the wages offered.

Recommending That the Law Providing for the Licensing of Operators of Motor Vehicles be Extended so Its Provisions Will Apply to the Entire State

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 1, 1920

To the Legislature:

Last year I approved Assembly bill, Introductory No. 755; Printed No. 1678, which became chapter 472 of the Laws of 1919, providing for the licensing of operators of motor vehicles within the city of

New York and requiring them to submit to an actual examination as to their fitness to operate motor cars.

At the time I approved said bill I was of the opinion that its provisions ought to apply to the operators of motor vehicles throughout the State, and in my memorandum approving said bill I stated —

> "I approve this bill in the belief that I am helping to make the streets in the City of New York safer for the public, and I will suggest to the Legislature at the opening of the next session that the provisions of the Act be extended to the rest of the State."

Judging from the information which has been furnished to me by the authorities of New York City, and especially by Magistrate Cobb, presiding over the Traffic Court in that city, I believe that the operation of this statute has tended toward public safety and the result has been to make the streets of New York City, in a measure at least, safer for the public.

If this act has been of public benefit in New York City, I can see no good reason why it should not apply to other parts of the State. If its operation has made the streets of New York safer for the public, I can think of no good reason why the extension of its provisions would not make the streets of Albany, Syracuse, Utica, Rochester, Buffalo and other cities of the State safer and also make the highways of the entire State safer for traffic.

I am informed that bills have been introduced to extend to the entire State the provisions of chapter 472 of the Laws of 1919, and I recommend that your Honorable Bodies give the same favorable consideration.

(Signed) ALFRED E. SMITH.

Transmitting Letters Received from the Public Service Commission, First and Second Districts, Objecting to Certain Provisions of Bill Pending in Congress to Terminate Federal Control of Railroads and Systems of Transportation also to Provide for Settlement of Disputes Between Carriers and Employees and to Regulate Commerce.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, January 26, 1920

To the Legislature:

I am transmitting herewith to your Honorable Bodies copies of letters received by me from Lewis Nixon, Public Service Commissioner for the First District, and from the Public Service Commission of the Second District of the State.

These letters call attention to some provisions of a bill now before the Conference Committee of both Houses of Congress, known as House Bill No. 10433, entitled:

> "AN ACT to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An Act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes."

Both Public Service Commissions, as will appear from their letters, believe that if the bill in the form now before the Conference Committee should become a law it would seriously interfere with State control through our Public Service Commissions of public utilities in this State.

From an examination of these communications, I am convinced that the belief of the Public Service Commissions is well founded. I do not think that the already difficult task of regulating and controlling public utilities in this State should be made more difficult by such Federal interference as might result from the passage of this bill in its present form.

I, therefore, recommend that your Honorable Bodies, by suitable communications to our members of the United States Senate and House of Representatives, call attention to the necessity of protecting the interests of this State in respect to this proposed legislation.

(Signed) ALFRED E. SMITH.

Letter From Lewis Nixon, Commissioner, First District

STATE OF NEW YORK — PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,
No. 49 LAFAYETTE STREET

New York, January 14, 1920

HON. ALFRED E. SMITH, *Governor, State of New York, Albany, New York:*

MY DEAR GOVERNOR.— In the Cummins Bill and the Esch Bill for the return of the railroads to private ownership, now pending in a Conference Committee of the Senate and House in Washington, there are certain provisions so menacing to the rights of the several states, including the State of New York, that I desire to call your attention thereto with the request that if in your opinion the circumstances warrant such action, you communicate the same to the Legislature and request that body to adopt a memorial to Congress upon the subject.

One of these objectionable provisions makes it the duty of the Interstate Commerce Commission, a federal body, to investigate any rate, fare, charge, classification, regulation or practice made or imposed by the authority of any state, and after such investigation the Interstate Commerce Commission is given authority to make findings and orders to remove "any undue burden upon interstate or foreign commerce," notwithstanding the law of any state or the decision or order of any State Commission. This means that an order issued by either Public Service Commission in New York State requiring a railroad to charge certain fares or to make certain regulations, or to establish or desist from certain practices may be set aside by the Federal Commission and made null and void. If it should become law it will undoubtedly operate to deprive the State Commissions of their powers to enforce any rate, service or other regulatory order.

Similarly, should the Public Service Commission for either District of the State of New York make an order requiring a railroad company to eliminate a grade crossing or establish safety devices thereat, the railroad company under the law as proposed could appeal to the Interstate Commerce Commission and that Commission could set aside the order of the State Commission. Even though the order should not be set aside the very fact that the decision of the State Commission could be appealed to Washington would delay for some time the enforcement of the order. In the jurisdiction of the Commission for the First District the grade crossing

question is one of pressing importance. With the growth of automobile traffic in the highways the existing grade crossings are becoming more dangerous each year, and this Commission is annually asking the Legislature to appropriate funds for the State's quota of the expenditure necessary to abolish grade crossings, with the view of reducing the number of these danger points as rapidly as possible. Should the Federal Commission be given the power to review the action of the State Commission and set aside its orders, it would be impossible for this Commission to continue the good work that it has been doing for several years in making safe to the public the highways which cross railroads at grade.

There are several other provisons in the Bills now in conference which would curtail the rights of the State of New York and hamper the Public Service Commissions in performing their regulatory work. The objections thereto are carefully summarized and explained in a memorandum just issued by the National Association of Railway and Utilities Commissioners, of which the New York Public Service Commissioners are members. A copy of this memorandum which has just been presented to the Conference Committee in Washington is transmitted herewith for your further information. This memorandum was prepared and adopted in a conference of representatives of several State Commissions, in which this Commission was represented by Deputy Commissioner Alfred M. Barrett and Secretary James B. Walker. The memorandum meets with my entire approval and I respectfully urge upon you its careful consideration.

The time is short and if the Legislature is to take any effective action, it should be done while the Conference Committee is considering the Cummins and Esch Bills. I earnestly ask your attention to the subject.

Very truly yours,
(Signed) LEWIS NIXON,
Commissioner.

Letter From Charles B. Hill, Chairman of Commission of the Second District

STATE OF NEW YORK—PUBLIC SERVICE COMMISSION, SECOND DISTRICT

Albany, January 20, 1920

HON. ALFRED E. SMITH, *Governor, Executive Chamber, Albany:*

MY DEAR GOVERNOR.—The Public Service Commission of the Second District of the State of New York wishes to submit to you its views upon certain legislation now pending in Congress as follows:

A measure is now before the Conference Committee, known as House Bill No. 10433, entitled "An Act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An Act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes."

This measure contains many features more or less objectionable, the purport and effect of which is set forth in the memorandum of the Association of National Railway and Utilities Commissioners, herewith submitted.

Many of these objections may perhaps properly be considered minor in their nature, but there are outstanding provisions which, if enacted into law, would most seriously impair the efficiency of the local State Commissions, and might practically destroy their value.

By this bill the Interstate Commerce Commission is given authority to annul any rate, fare, charge, classification, regulation or practice made by the authority of a State, which, in its opinion, is an undue burden upon interstate or foreign commerce.

The Interstate Commerce Commission is also authorized to review on appeal any decision of a State Commission which, in its judgment, affects interstate commerce.

The term "interstate commerce" has been given a very broad application by the Supreme Court of the United States. That tribunal has gone so far as to hold that a workman employed in repairing a bridge, which carried the track of a railroad, over which was transported interstate commerce, was himself engaged in interstate commerce, and entitled to the benefit of federal legislation in case of injury.

The provisions of the pending bill, therefore, might be held to include almost any regulation or decision which affected a carrier engaged in interstate commerce. Anything in the way of improvement of service, or any order requiring the investment of further capital, notably grade crossing eliminations, which are now solely within the local powers of regulation, might, as to a carrier which is engaged in interstate commerce, be held to come within federal power, in which case, under the provisions of the pending legislation, the Interstate Commerce Commission, at Washington, could set aside the orders of local commissions, either by original action or upon appeal.

This proposed deprivation of power from the State Public Service Commissions is most strikingly set forth in the memorandum of the National Association of Railway and Utilities Commissioners, in the following words:

> "If the provision objected to becomes law no State Commission can make any final order such as the following:
>
> (a) Fixing reasonable and non-discriminatory rates to meet peculiarly local conditions.
> (b) Fixing commutation passenger rates.
> (c) Fixing rates for any kind of local passenger or freight service.
> (d) Requiring reasonable train service or car service.
> (e) Requiring side tracks to be installed or spur tracks to be extended, or any kind of terminal service.
> (f) Requiring physical connection of railways for interchange of traffic.
> (g) Requiring the abolishment of grade crossings or their protection.
> (h) Requiring the provision of toilet facilities.
> (i) Requiring facilities for livestock loading.
> (j) Requiring a carrier to do anything involving the expenditure of money or requiring the use for local shippers of adequate equipment or facilities of any kind.
> (k) Any order made by State Commissions relating to rates, or service of telephone or telegraph companies."

The danger of such a condition is manifest. In the first place a federal body would be entirely unable to properly handle this problem throughout the nation on account of its magnitude, and assuming that it always acted correctly, the incidental delay, which would necessarily occur in the congestion of this enormous mass of business, would be intolerable.

Furthermore the fact that their decisions were merely intermediate, and not final, would lessen greatly the responsibility of all State Public Service Commissions.

These provisions are a most serious menace to the proper regulation of common carriers when returned to private ownership. This threatened danger to the proper regulation of important public utilities is respectfully called to your attention in order that you may take such official action thereon as you may deem proper.

Respectfully submitted,

(Signed) Public Service Commission, Second District,
By CHARLES B. HILL,
Chairman.

Pay-as-You-Go Plan for Highway Construction

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, January 29, 1920

To the Legislature:

In my Annual Message, I stated that I favored the "pay-as-you-go" plan for the future construction of highways in this State and I promised to lay before Your Honorable Bodies in greater detail my reasons for that position.

I believe that it is bad business policy to construct from bond moneys improvements that are not substantially permanent; that the life of any such improvement should at least equal the life of the bonds. The experience of this State shows that this has not been the case in the construction of highways. It has been demonstrated that the average life of the pavement of the roads heretofore constructed is less than ten years. The average cost of highway pavements is approximately 70 per cent of the entire cost of an improved road.

To substantiate this, I call your attention to the following illustration taken from the list of roads designated for reconstruction this year:

Highway No. 5242, a waterbound macadam road northeast of Binghamton on Route No. 7, has been in service but four years, and has cost during this short period $2,280 per mile per year to maintain, and is now in such bad condition as to require reconstruction.

Highway No. 5090, Genesee county, between Buffalo and Batavia, on Route No. 6, has been in service seven years, at an annual maintenance charge of $2,810 per mile and now requires reconstruction.

Highway No. 5327, Lewis county, between Rome and Watertown, on Route No. 27, has been in service six years, and its maintenance cost has been $2,060 per mille per year. It now must be reconstructed.

These are extreme cases; but there are many other roads which, while not so extreme, bear out the statement that the life of highway pavments is but a fractional part of the life of the bonds.

I do not believe that it is economically sound, nor is it fair, to burden coming generations with the expense of an improvement from which they have derived no benefit.

In the past, and at present, highway construction is financed by fifty-year bonds which bear four per cent interest. It is probable that bonds which are to be sold this year may have to bear larger interest. In addition to the unfairness of asking future generations to pay for roads which will be worn out years before a long term bond has matured, such bonds do not provide an economical method of securing money.

For the purpose of estimating the cost of fifty-year bonds, we will assume the interest to be four and one-quarter per cent, and the issue to be for $100,000,000. Such an issue will require:

Annual amortization	$886,550 00
Annual interest	4,250,000 00
Amount to be raised by tax annually	$5,136,550 00
Final total cost of the $100,000,000 fifty-year bond issue	$256,827,500 00

which shows that the State is required to pay for the use of $100,000,000 for fifty years a sum amounting to more than 150 per cent of the original loan.

It would appear, therefore, from every angle, a better and more economical business proposition to pay for our roads by annual direct appropriations. As the interest and amortization charges total $156,827,500, it would be wiser for the State to expend this sum in actual highway construction than to pay it to the holders of our bonds.

MAINTENANCE

Our experience in highway construction clearly demonstrates:

1. That highways, as constructed in the past, were not designed of sufficient strength to endure modern traffic conditions.
2. That if this State continues to build highways of similar types, lacking proper thickness and foundation, the State will find itself with a system of highways of which the maintenance costs will be prohibitive.

The remedy to my mind is clear. We must build a more permanent type of highways, even though the initial cost be greater. I am assured by men who have given thorough study to highway problems that, if the policy of permanent highway construction is adhered to, the maintenance charges will decrease in spite of the fact that our mileage of improved roads is increased. This decrease, however, will only occur after we have caught up with the reconstruction necessary to equip our present highways with pavements of modern and more permanent types.

It will be necessary for the next two or three years that your maintenance appropriations be increased over those of the past, but there is good reason to believe that when our old roads are finally reconstructed so that they will economically carry modern traffic, the maintenance charges will then be so reduced that they may be met largely, if not wholly, by the vehicular tax.

The Highway Commission is asking Your Honorable Bodies for a maintenance appropriation for the year 1920 of $15,000,000. It is proposed to spend this sum for the following work:

	Miles
Reconstruction	264.39
Resurfacing	96.51
Surface oil treatment	1,090.76

And the usual light repairs and general maintenance.

The reasons for this increased cost of maintenance in 1920 are as follows:

1. Advanced cost of labor.
2. Increased traffic, increased speed and increased weight of mechanically driven vehicles.

3. Old highways not designed of sufficient strength to carry modern traffic.
4. Insufficient maintenance appropriations in past years.
5. No reconstruction during 1917 and 1918.
6. Increased age and increased mileage of our highways.

I ask that you give this request for maintenance your serious consideration.

COUNTIES TO SHARE IN MAINTENANCE COSTS

I believe that all counties should be required to share a portion of the costs of reconstruction and maintenance. These costs are now wholly a State charge. When the maintenance of our highways ran from three to three and one-half million, the State could afford to assume the entire obligation; but at present costs this burden is too heavy and it seems but just that the counties should assume a portion of the up-keep costs of roads within their boundaries.

So long as the State pays all maintenance costs, an incentive is created for the Boards of Supervisors to favor the cheaper and less durable types of construction in order that the counties may secure a larger mileage from available funds. These Boards now lack the necessary incentive to carefully consider maintenance. If counties were required to pay their share of the costs of up-keep, especially reconstruction, they would be encouraged to give more thought to permanence in original construction, which would ultimately result in large savings to the State.

FEDERAL AID HIGHWAYS

The Federal Government, from its two appropriations for the construction of highways, had allotted to this State moneys as shown in the following table:

Fiscal Year	From $75,000,000 Appropriation	From $200,000,000 Appropriation	Total amount allotted for each fiscal year
1917	$250,720 27	.....	$250,720 27
1918	501,440 54	.....	501,440 54
1919	749,674 20	$2,487,956 40	3,237,630 60
1920	995,182 56	3,731,934 59	4,727,117 15
1921	1,242,973 28	3,728,919 83	4,971,893 11
Grand total			$13,688,801 67

The 1917 and 1918 allotments have been met by Your Honorable Bodies and the money is now obligated by contracts awarded for the construction of ten Federal Aid roads to improve 42.65 miles.

The 1919 allotment, amounting to $3,237,630.60, is to be met by Your Honorable Bodies by an appropriation during the present session.

I recommend to your consideration a change in the law now governing the construction of Federal Aid highways. At present, funds for such construction are provided entirely by the State and

the Federal Government. I believe that benefit would result if the counties participated in the cost of Federal Aid highways constructed within their several counties. It would seem to me an equitable arrangement to have the Federal Government provide 35 per cent, the State 35 per cent, and the County 30 per cent of the cost of these roads. Such a law would overcome a difficulty which now exists. Under our present laws, the cost of a Federal Aid road is limited to $40,000 per mile, and while this price is sufficient for a great majority of the roads to be constructed, there are certain counties in the State where heavy rock excavation carries the cost of construction beyond $40,000 per mile. In addition to this, with the ever-increasing cost of labor and material we should look to the future; this State should not be placed in the position of being unable to take advantage of Federal Aid because of the limit placed upon the cost of construction by our own laws.

RECOMMENDATIONS

I wish to take this opportunity to repeat the words in my former message:

> "I favor the continuation of highway construction until a connected and completed system has been secured throughout the State. * * * I recommend that highway construction be carried on without interruption as rapidly as conditions will permit."

I, therefore, recommend to Your Honorable Bodies the prompt release of the unappropriated balance of the second Fifty Million Dollars bond issue. This is urgent, as practically all appropriated balances of this bond issue are now obligated and the additional funds are necessary in order to continue construction during 1920.

I recommend that the law be amended so that after the exhaustion of the present bond moneys the construction of highways be paid for from the current revenues of the State.

I recommend that Your Honorable Bodies meet by appropriation the allotment made to this State by the Federal Government, and which must be met on or before June 30, 1920.

I recommend to Your Honorable Bodies that the law be amended so that counties must share in the cost of maintenance.

I recommend to Your Honorable Bodies that the law be amended so that counties shall share in the cost of the construction of Federal Aid highways.

(Signed) ALFRED E. SMITH.

Asking That Financial Provision be Made to Care for Influenza Cases and Prevent Spread of the Epidemic

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 2, 1920

To the Legislature:

I transmit herewith a memorandum from the Commissioner of Health, in which he states that financial provision should be made

immediately to enable the State Department of Health to provide nurses, and give assistance where it can, to care for the cases and prevent the spread of influenza.

I am sending you with this memorandum an emergency message, in order that immediate action can be taken in this important matter.

(Signed) AFFRED E. SMITH.

MEMORANDUM

February 2, 1920

FROM: Commissioner of Health

TO: The Governor

The prevailing epidemic of influenza, while not of a severe type and in this respect markedly different from that which last year spread throughout the world, is causing illness to and incapacitating a great many thousand people throughout the State, being frequently followed by pneumonia and other respiratory infections.

The State Department of Health has received during the past twenty-four hours, a call for twenty nurses which it cannot supply. A large number of nurses will be needed in the immediate future to assist local health officers in efforts to control the disease and instruct lay persons in the care of the sick. On account of the shortage of physicians in the rural districts it may be necessary also to employ a number of physicians for a short period.

It is confidently believed that the aid provided by the State will result in saving a good many lives and the prevention of complications frequently resulting in chronic illness.

In view of the urgent demand for nurses it is necessary that financial provision should be made immediately for the above purpose.

Herewith is appended the telegraphic reports to the State Commissioner of Health during the last forty-eight hours of cases of pneumonia and influenza in this State outside of the City of New York.

Since January 23rd, there have been reported to the State Department of Health, 799 cases of pneumonia, 139 deaths. In the same period, there have been reported 5,850 cases of influenza, 21 deaths. The reports received since noon Saturday amounted to 129 cases of pneumonia, 31 deaths.

The figures by days for the State, outside of New York City, are given below:

	Pneumonia		Influenza		
	Cases	Deaths	Cases		Deaths
January 23rd	27	....	105		....
January 24th	60	....	235		....
January 26th	77	....	414		....
January 27th	79	14	612		2
January 28th	135	19	923		7
January 29th	137	26	1,186		1
January 30th	89	22	1,338		6
January 31st	76	27	819		4
February 1st	129	31	218	(incomplete)	1
	799	139	5,850		21

From advices telephoned to the State Department of Health, influenza appears to be prevailing extensively in the rural districts. In the cities, the greatest number of reports have been received from Syracuse, Jamestown, Poughkeepsie, Mt. Vernon and Albany. Requests for nurses have been received from Westfield, 2, Mt. Vernon, 4, Syracuse, 10, Hudson, 1, White Plains, 2.

Reorganization of State Government and Transmitting Report of Reconstruction Commission

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 9, 1920

To the Legislature:

In the interest of greater efficiency, as well as economy, one of the most important reconstruction problems to my mind is the reorganization of our State government which is now based upon a Constitution adopted a great many years ago, when the business of the State was so small and so limited as to be easily comprehended by any person sufficiently interested to study it. From an annual budget of about $14,000,000 thirty years ago, we are now facing an expenditure for the next fiscal year of over $100,000,000, illustrating in itself the growth and complexity of the present machinery of the State government.

During the last twenty-five years the State has taken over many activities that formerly belonged to localities, and it has attempted to build this structure upon an old-time foundation which it has entirely outgrown, until today one of its great problems is how to make itself function, how to make itself efficient, how to make itself understood, and how to make itself responsive to the public will.

Efficiency is not possible unless there is responsibility lodged with the Executive. With that responsibility, he must be given the means to carry out his policies. The people have elected the Governor with the belief in their minds that the head of the State has it within his power to carry out the policies enunciated by him in the campaign, and the real fact is that he is thoroughly bound, gagged and fettered by a cumbersome machinery of State government that spells in its every line an absolute division of responsibility among men scarcely known to the electorate and never mentioned by them after the election is over. The consequence is that, between the short term of the Governor and the form of our government, the executive head of the State is foiled in his every effort to respond to the popular will.

The existing multiplicity of departments with overlapping functions, brought into existence in various ways and responsible to no central authority, should be reduced to a small number of large departments, presided over by men selected by the Governor for terms coterminous with his own, which, as the Report of the Reconstruction Commission will indicate, should be lengthened to four years.

I transmit to you herewith copies of the report of the Reconstruction Commission on the Reorganization of the State government. The changes which it proposes are along two fundamental lines. It provides for a simplification of machinery and for responsible administrative control by means of a cabinet system of administration and effective financial control through an executive budget.

The extension of the Governor's term of office will give him an opportunity to know his work and to build up a constructive policy for the State which is constantly subject to judgment in the light of the Governor's responsibility.

Moreover, with an income tax the people of the State are entitled to know and will necessarily demand to know, where the money they pay goes, and how it is spent.

You have before you estimates from the several departments, asking you to appropriate for their use during the coming year, over $141,000,000. While these estimates represent, in many cases, considerably larger amounts than are required or than can be expended within the year, the fact remains that the budget is going up by leaps and bounds. It doubled in the last five years. At the present rate of increase, it will total over $200,000,000 in 1925.

No mere juggling with figures and resources can solve this problem or satisfy the people of this State who must pay an ever-increasing percentage of their incomes for the maintenance of the State government.

At the same time, there are expenses of the State government in caring for its wards, its employees, and maintaining its institutions, growing legitimately year by year as numbers increase and long service receives deserved recognition.

One of the questions in my mind when I appointed the Reconstruction Commission a year ago, was whether a plan could be evolved that would afford even a partial solution of these difficulties of an increasing budget. I therefore charged the Commission with considering, especially, the relation of the budget, the increasing tax rate, and the legitimately growing expenses of some parts of the State government, to some form of responsive and responsible government that will assure the taxpayers of executive control and responsibility and economies consistent therewith.

The report which is attached represents not only the conclusions, of this Commission, but the opinions of numerous State departments, organizations, and individuals who have been consulted and who have been generous of their criticism and advice. It is based on conditions in the State of New York. The fundamental recommendations are for an executive budget system, for the consolidation of State departments, the reduction of the number of elective officers, and the increase in the term and responsibilities of the Governor, and to my mind present the only plan which will relieve the present situation.

You will note that the Reconstruction Commission claims no originality for the fundamental principles presented in this report. They are principles which have been proposed and discussed throughout the country ever since they were first enunciated by President Taft's Efficiency and Economy Commission. I need not point out to you that after years of agitation, the proposal for an executive budget system in the Federal Government is at least on the eve of realization. A number of States have reorganized their governments on the basis of these principles.

The Constitutional Convention of 1915 proposed to reorganize the State on a similar basis and it is my firm conviction that this particular part of the proposed Constitution would have been much more favorably received by the people, if it had not been submitted along with other proposals which had no popular support.

No progress can be made in the direction of an executive budget system, of consolidation of departments, or a cabinet system in New York State without constitutional amendments. It is true that a good deal of consolidation can be brought about by statutes, but little compared to what ought to be done, and practically nothing can be done toward improving the budget system.

I therefore urge that you consider and approve at this session constitutional amendments to make effective the fundamental principles proposed in this report.

I also ask that while this plan is under consideration, nothing else be considered that removes control from the Governor, the responsible head of the government, elected by the people in the belief that he is responsible, until the fundamental changes are definitely acted upon.

The details of the plan as submitted in the attached report should be given careful consideration. It is too much to ask that all details be approved, but they are at least entitled to most careful consideration. I believe that the proposed organization fairly represents the needs of the State at the present time, because it represents the conclusions of the many persons who have been consulted in the preparation of the report.

It must be apparent to the men who have served any length of time in the Legislature, that all that is required is the disposition to do this thing. It is progress, and, as such, it will meet with reactionary opposition. The opposition will be senseless, but it will exist, nevertheless. It always has. The problem before you for decision is the simple one — Is the plan in the interest of efficiency and economy in the government?— I believe that it is and I feel that when you are thoroughly familiar with it you will believe with me.

If constitutional amendments are approved at this session, it will be desirable to appoint a Commission to consider the various statutes which are necessary to put the plan into effect. Some of these statutes may be passed this year or next year, others should be ready for passage when the constitutional amendments are finally effective. If constitutional amendments are to be passed at all, it is of the greatest importance that they be approved for the first time at this session of the Legislature. If action is postponed until next year, the amendments cannot be made effective until 1924.

(Signed) AFFRED E. SMITH.

NOTE.— The Report of the Reconstruction Commission on Reorganization of the State Government is contained in the 1919 Public Papers.

Recommending Amendment to Election Law so as to Increase the Membership of the State Committee Following the Adoption of Women Suffrage

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 10, 1920

To the Legislature:

The adoption of Woman Suffrage in the State of New York has substantially doubled the number of qualified voters. Under the present Election Law, Section 36, the State Committee of each political party consists of one member from each Assembly District, who shall be an enrolled voter of the party within the district.

This large increase in the number of voters, it seems to me, necessitates an increased membership of the State Committee of each political party. As the number of State Committeemen is now fixed by statute, it will be necessary to amend the statute in order to increase that number.

I therefore recommend to Your Honorable Bodies that Section 36 of the Election Law be amended so as to increase the number of State Committeemen from one in each Assembly District to two in each Assembly District, who shall be enrolled voters of the party within said district.

Under the provisions of the present Election Law, this being a presidential year, members of the State Committee are elected at the Spring primary, which is to be held on the sixth day of April, 1920. The State Committeemen elected at this primary will hold office until the primary election in 1922.

It is necessary, under the present law, to file petitions for committeemen to be voted for at the coming primary, between the second and ninth days of March, 1920.

It would therefore seem, if Your Honorable Bodies deem this amendment proper, that in order to make it effective at the coming primary such legislation should be enacted before March 3, 1920, the first day upon which petitions may be filed.

(Signed) AFFRED E. SMITH

Asking for an Emergency Appropriation to Carry out Provisions of Law Relative to Settlements Under Workmen's Compensation Law

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 10, 1920

To the Legislature:

I submit to you herewith for your consideration a communication received by me from the Industrial Commission with respect to the need for an Emergency Deficiency Appropriation to carry

out the provisions of chapter 629 of the Laws of 1919, relative to settlements under Workmen's Compensation Law. The communication of the Commission is as follows:

230 Fifth Avenue, New York City, February 2, 1920

HON. ALFRED E. SMITH, *Governor, Executive Chamber, Albany, N. Y.*

MY DEAR GOVERNOR.—The Commission desires to call to your attention a critical condition of affairs with respect to its appropriation for administering the work of the Bureau of Workmen's Compensation. The situation is one of extreme emergency and is one that the Commission believes warrants your certifying to the Legislature that the emergency exists that calls for a speedy enactment of an Emergency Deficiency Appropriation Bill.

Chapter 629, Laws of 1919, was an act to amend the Workmen's Compensation Law in regard to direct settlements. It was passed, as you will recall, upon the preliminary report of Honorable Jeremiah F. Connor, the Moreland Act Commissioner appointed by you to investigate the administration of the Workmen's Compensation Law. The law, as amended, practically abolished the direct settlement, and required the Industrial Commission to hold a hearing in every claim filed under the Compensation Law whether settled by direct agreement or not within sixty days from the filing of a claim, or joint report of a claim, or joint report of a direct agreement.

Chapter 629 carried an appropriation of $72,000 to carry out the purposes of the Act, $12,000 of which, by its term, was limited to statistical work, and $60,000 of which was for the organization of the administration work necessary to carry out the amended law.

At the time the Bill was passed and the appropriation made the amount of the appropriations was, as I am informed, merely an estimate of the amount that would be necessary to organize the work, and owing to the haste with which the bill was drafted and enacted in the closing days of the session, no detailed plan of organization was submitted nor could the exact extent of new organization necessary even be accurately estimated. Very early after the passage of that Act the Commission found that the amended law imposed a tremendous amount of additional work upon the Commission, and, as I am informed, the matter was one of consideration between members of the Commission, the Governor and the leaders of the financial committees in the Legislature.

In view of the provision requiring the Commission to hear every compensation case it was manifestly impossible to require claimants in up-state towns and villages to appear in the cities in which the principal offices of the Commission were maintained. An arrangement, therefore, had to be made for the appointment of deputy commissioners to travel a circuit going into the smaller towns and cities in which no office is maintained, for the purpose of hearing cases at least once in every sixty days in order that the terms of the law might be complied with. The Commission, therefore, was obliged to appoint four (4) additional deputy commissioners in the up-state districts and two (2) additional in Greater New York. In New York City the number of hearings was tremendously increased, necessitating three trial parts to be kept continuously going every day in the week.

Experience had demonstrated that many of the cases, formerly settled by direct agreement, when made the matter of adjudication by the Commission became complicated cases requiring the taking of a great deal of testimony. The nature of the injury often is such as to require careful examination of our medical examiners in order that the Commission may be sure that the injured workman receives the full benefits to which he is entitled under the law.

In addition, therefore, to the additional deputy commissioners it became necessary to appoint two (2) other medical examiners. The Commission also appointed five assistant examiners of claims, ten (10) hearing stenographers, as it was necessary for each of the new deputies to have a hearing stenographer to accompany him on his circuit, and additional ones in the New York office; 19 additional stenographers, 4 clerks, 6 clerk-stenographers, 2

interpreters and an investigator, 2 typewriter copyists and a multigraph operator.

Anything less than this organization would have produced a condition where the Industrial Commission would have been unable to cope with the volume of work thrown upon it. Claims would have been long delayed, and by the present time such an accumulation of undetermined claims would have been created as to cause not only a scandal but inconceivable distress as to the needy and worthy beneficiaries of the law.

I enclose herewith a statement of the account of the appropriation with expenditures to December 31st. From this you will see that of the $60,000 appropriated $49,457.01 had been expended, leaving a net available balance of $10,542.99. At the present rate of expenditure this balance will be absorbed before February 15, 1920.

Our present situation, therefore, is such that unless an immediate appropriation can be made the Commission will be obliged to discontinue the service of all of the employees taken on to execute the provisions of Chapter 629, Laws of 1919, until such time as the Legislature makes available the necessary funds. It is inconceivable that this situation could be permitted to develop. Not only would it be disastrous to employees who have been employed and are working for the Commission and would render it exceedingly difficult for the Commission to organize the work when appropriations might later become available, but you will readily appreciate the disastrous condition that would be created with respect to the Commission's work in adjudicating Workmen's compensation claims. The second deputy commissioner, who is in charge of the administration of the Workmen's Compensation Bureau, assures us that two weeks delay in disposing of the current cases would create such a condition of congestion that it would require a long time to straighten the work out and bring it up to date.

In order to carry the present pay rolls to June 30, 1920, would require the sum of $34,060.50. This does not take into account any other items of expense, such as, traveling, supplies and rents. The account for rent has been greatly increased on account of the necessity of additional space for the examination of claims and for hearing rooms. In the New York office this necessitated moving the entire division of the State Insurance Fund out of the main office into new space procured at 411 Fifth Avenue at a rate of $10,000 per annum. Additional space was also required in Syracuse, Rochester and Buffalo. Amounts expended for rent to December 31st aggregated $6,875, for traveling $374.64, and supplies $267.80. An examination of the accounts of this appropriation for the month of December reveal expenditures at the rate of $7,600 per month. Assuming it be necessary to continue expenditures at this rate it will require an immediate appropriation of at least $35,000 to take care of immediate needs and carry this work of the Bureau until June 30th. The Commission is mindful, however, of the fact that between now and the end of this fiscal year there will be certain other expenses necessary to be incurred. New forms had to be printed entailing additional charges for printing, and at certain points the present organization needs strengthening, so that the Commission would not regard it safe to proceed on an appropriation less than $40,000.

The Commission, therefore, recommends that an Emergency Deficiency Bill be passed at the earliest possible day, appropriating $40,000 for the use of the Industrial Commission in carrying out the purposes of Chapter 529 of the Laws of 1919.

In this connection I feel it proper to call to your attention that out of the $12,000 appropriated in Chapter 629 of the Laws of 1919 for the use of the Bureau of Statistics there is an unexpended balance of $5,000 that might safely be made available to the use of the Bureau of Compensation. Under the wording of the present appropriation, however, this $5,000 is not available for any charge except for statistical work. The Commission suggests that in any bill making an emergency appropriation it would be proper to make the unexpended balance of the appropriation for the statistical work available to meet the deficiency in the appropriation for the Compensation Bureau.

The Commission recommends, therefore, that you submit the matter to the Legislature for its immediate consideration and certify to the emergency that exists requiring an immediate appropriation.

Very truly yours,
(Signed) EDWARD F. BOYLE,
Chairman.

STATEMENT

Chapter 629, Laws of 1919

Compensation Agreements

Appropriation $60,000

Appropriation		$60,000 00
Less amounts expended from May, 1919, to date:		
Pay-rolls	$41,939 57	
Traveling	374 64	
Rents (State Fund)	6,875 00	
Supplies	267 80	
		49,457 01
Available balance		$10,542 99

This available balance of $10,542.99 should carry us until about February 15, 1920. (December payrolls amounted to $7,599.92.)

Amount necessary to carry present employees charged against appropriation from February 15 to June 30, 1920, approximately	$34,060 50

This deficiency does not include any other expenses, such as traveling and supplies.

Chapter 689, Laws of 1919

Bureau of Statistics and Information

Appropriation $12,000

Appropriation		$12,000 00
Less amounts expended from June 1919 to date:		
Pay-rolls	$1,005 63	
Supplies	96 00	
		1,101 63
Available balance		$10,898 37
Less amount necessary to carry present employees charged against this appropriation from January 1 to June 30, 1920..		$1,350 00
At present rates of expenditures, will leave an available balance on June 30, 1920, of approximately		$9,548 37

I trust that your Honorable Bodies will give immediate attention to this important matter.

(Signed) ALFRED E. SMITH.

Urging that the Work of the Military Training Commission be Placed Under Control of the Department of Education

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 11, 1920

To the Legislature:

On April 7, 1919, I transmitted to you the report of the Reconstruction Commission concerning military training for boys between the ages of sixteen and eighteen years of age, and legislation was introduced carrying out the fundamental recommendation of the Commission, which is that the duties discharged by the Military Training Commission should be included within the functions of the State Department of Education.

In my Annual Message to you this year, I pointed out that the objectives of military training, obedience, alertness, morale and general physical development can best be obtained as part of the school curriculum and without the disadvantages attached to divided control.

Those boys between the ages of sixteen and eighteen at present subject to the Military Training Law, and who have already left school, will soon be controlled by the Department of Education in the vocational and continuation schools to be inaugurated by that department. The present system of divided control is costly. The Military Training Commission has expended very nearly a half a million dollars this year and desires increased appropriations for next year. None of the functions which it proposes to accomplish need in any way suffer if the work is controlled by the Department of Education.

In response to a questionnaire sent by the Reconstruction Commission to individuals and organizations throughout the State, one hundred and ten replies were received, of which seventy-nine favored the plan. These were received from fifteen schools, nineteen commercial organizations, eleven welfare organizations, one club and thirty-three individuals. Of the negative replies, eleven were from individuals, four from schools, six from commercial organizations, two from welfare organizations and one from a club.

In so far as the Commission has been able to gauge public opinion, this report is based upon a sound educational principle. Boys between the ages of sixteen and eighteen are and should still be subject to educational control and discipline. This is recognized from the very fact that you have established continuation schools. I, therefore, urge upon you that, without further delay, the economy in administration herein suggested be made effective and the proper disposition of this work be made by placing it in the Department of Education.

I would request the immediate attention of your Honorable Bodies so that if you are disposed to consider this matter favorably the proposed appropriation bill in the course of preparation may be drawn accordingly.

(Signed) ALFRED E. SMITH.

Calling Attention to Emergency in Reference to Housing of State Industrial Commission in the City of New York and the Action of the Trustees of Public Buildings in Authorizing the Purchase of a building.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 16, 1920

To the Legislature:

An emergency has arisen in reference to the housing of the State Industrial Commission in the City of New York. At the present time the Industrial Commission occupies quarters at No. 230 Fifth avenue and No. 411 Fifth avenue. The rental of these quarters is $60,700 per year. The present leases expire May 1, 1921, and the landlords have refused to renew the leases.

The State Industrial Commission is not a desirable tenant. The Compensation Bureau is especially undesirable, for the reason that the chief business of this bureau is the consideration of claims for workmen's compensation, and the offices and the corridors leading to the offices and the elevators are crowded daily with claimants, much to the annoyance and discomfort of the other tenants.

The Trustees of Public Buildings requested the State Architect and Mr. Wendell M. Bender, Supervising Auditor, to make inquiry as to what arrangements could be made for the housing of the State Industrial Commission. The Commission requires about 45,000 square feet of space, and it is very desirable to have all bureaus of the department housed in the same building. After quite an extensive survey, these gentlemen reported that the most available place was a seven-story and basement building situate at 120 East Twenty-eighth street, owned by the International Committee of the Y. M. C. A., and found that the owner was desirous of selling this property. There was some doubt as to the owners being able to lease this building for other than Y. M. C. A. purposes, by reason of a stipulation contained in the deed. The rental asked, provided it could be rented at all, was $110,000 per year. This building has a frontage of forty feet on Twenty-eighth street and forty-one feet and one inch on Twenty-seventh street, and is seven stories and basement in height. There is also a small lot twenty feet wide on Twenty-eighth street that goes with the property, which was purchased to protect the light of the building.

The landlords from whom the State is now renting quarters for the Commission have offered the State $10,000 if it will surrender its leases in April, 1920, instead of in April, 1921.

After some negotiation the property on Twenty-eighth street has been offered to the State for $545,000, that being the cost price of this property to the International Committee of the Y. M. C. A., the present owner. The building will require comparatively little alteration to make it available for the purposes of housing the Commission, and the maintenance charge will be around $40,000 per year. The Trustees of Public Buildings deem it not only economical and advisable, but to the best interests of the State, to purchase this

building, for the reason that the housing of the Industrial Commission will always be a problem and, even if the State should subsequently determine to construct an office building in the City of New York, it would probably not be advisable to put the offices of the Industrial Commission in such a building along with the other State departments. The Trustees of Public Buildings had the building appraised by a disinterested real estate firm in New York City, which reported that in its judgment the property was worth at least $500,000 as a commercial proposition, but that, needing it as badly as the State does, and being able to use it in its present condition, it is worth $545,000 to the State.

The Trustees of Public Buildings have passed a resolution authorizing the purchase of said building, and a bill appropriating the necessary moneys therefor, accompanied by an emergency message, is transmitted with this message.

(Signed) ALFRED E. SMITH.

Transmitting Report of George Gordon Battle, Commissioner to Investigate the Organization and Management of the Council of Farms and Markets

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 16, 1920

To the Legislature:

On January 26, 1920, I transmitted to your Honorable Bodies the report of an unofficial commission appointed by me on August 16, 1919, consisting of Martin H. Glynn and John H. Finley, to inquire generally into the high cost of living. This commission, in its preliminary report, recommended the appointment of a Fair Price Milk Committee for the City of New York, and such a committee, duly appointed, pursued its investigation and made its report, which I transmitted to your Honorable Bodies along with the report of the commission of which Governor Glynn and Doctor Finley were the members. The preliminary report of the Glynn-Finley Commission recommended that I commission some person under the so-called Moreland Act to make a thorough investigation of the organization and management of the Council of Farms and Markets and its related bureaus. Acting upon this recommendation, I appointed, on August 25, 1919, George Gordon Battle, of the City of New York.

Commissioner Battle and his counsel, John Burlinson Coleman, proceeded to make a careful and extensive investigation, holding public hearings in New York City and Albany, examining the records and accounts of the Council of Farms and Markets, and also interviewing the Federal Trade Commission in Washington in reference to an investigation made last year by that body into certain activities of the Council of Farms and Markets. Commissioner Battle filed a preliminary report dated October 9, 1919, and a final report dated December 11, 1919, both of which reports I am transmitting to you with this message.

In the preliminary report of October 9, 1919, Commissioner Battle enumerated instances of dereliction of duty discovered by him on the part of Eugene H. Porter, Commissioner of the Division of Foods and Markets, and made the statement that evidence taken before him convinced him that the administration of this division of the Council of Farms and Markets had been unbusinesslike and inefficient, and that neither the council nor Commissioner Porter had accomplished, or attempted to accomplish, anything of substantial benefit to the people of this State. On this ground, Commissioner Battle suggested that I recommend to the Council of Farms and Markets that Commissioner Porter be removed from office. I forwarded that preliminary report to the council with the recommendation suggested by Commissioner Battle. The council has not, up to the present time, taken final action upon that recommendation.

In the final report of Commissioner Battle, dated December 11, 1919, the commissioner recommends that the Legislature declare that the production, distribution and price of milk be subject to State control, and further recommends that a State Milk Commission be appointed for that purpose. In this recommendation, Commissioner Battle reached the same conclusion as did Governor Glynn and Doctor Finley, the Fair Price Milk Committee of the City of New York, and the Federal Food Director.

The subject of the appointment of such a Milk Commission is now before your Honorable Bodies in the form of a report from the Fair Price Milk Committee, accompanied by a message that I sent to you a short time ago.

I repeat at this point the strong recommendation made in that report, that you enact the necessary statutes to carry this recommendation into effect. A reading of the Battle report will clearly show that the Council of Farms and Markets and its related bureaus have been improperly and defectively organized. They are unsatisfactory in operation and lack force and efficiency. These conclusions are fully sustained by the evidence.

The theory of the organization of the Council of Farms and Markets in its present form rested upon a desire on the part of the Legislature to erect a regency over agricultural matters, as we have over educational matters. No fair-minded man, who will read the testimony taken in the Battle investigation, can help but conclude that this theory was wrong, that it does not work out, and cannot be worked out, on the same plan with education. In educational matters no particular business interests of the State are involved. A large part of the function of the Council of Farms and Markets is regulatory, regulating and controlling commercial affairs. It is notorious throughout the State that the Council of Farms and Markets is not functioning satisfactorily. A great amount of money is expended annually in this State to promote agriculture and to aid in a sensible and economical means of food distribution, and it is a great pity that so large a part of it is apparently wasted.

The total appropriation for 1919 for agricultural purposes,

including the cost of maintenance of our agricultural colleges and schools, was $3,224,601.96. This is a very large sum of money, and, under proper organization and with more intelligent direction, a greater return could be brought to the State from its expenditure.

While Commissioner Battle makes several specific recommendations, I do not agree with all of them, and would suggest that a Department of Agriculture and Markets, under the control of a single head, fully responsible, with the right man, and a salary fixed at not less than $15,000 a year, and with authority to organize the department along effective lines not controlled by arbitrary statutory law, would give us a more efficient, a more economical, and a more thorough-going administration of this great department of government. There is too much organization in the department required by law, and it is apparent to the casual observer that this was made so deliberately, for patronage purposes. Instead of this regency lifting agriculture out of the sphere of active politics, it has put it further in, by the creation of a large number of exempt political places, making an overhead charge entirely out of keeping with the results obtained. Too much money is being spent for help in the city, and not enough at the farm.

If I were asked for an off-hand expression as to what in my opinion is the trouble with the Council of Farms and Markets and its related bureaus, I would say an absolute lack of centralized responsibility. You have a council made up of eleven members elected by the Legislature for overlapping terms, and responsible to nobody under the law as it now stands, the commissioners in charge of the large divisions in the department responsible to the council, which apparently has exercised little or no supervision over their official conduct. It is a notorious fact that this cumbersome body meets infrequently, and spends a great part of its time dealing with minor questions of administration, such as the transfer of employees from one bureau to another. There is an absolute lack of initiative; there is no force; there is no driving power. Specific grants of power, given by the Council of Farms and Markets Act itself, have never been used or taken advantage of by the council or by anybody under it. It is needless for me to say that the removal of these great departments entirely from the jurisdiction of the Governor, is a mistake. The people naturally look to the Governor. They do not think of looking to a Council of Farms and Markets. They do not understand it. They do not even know who its members are.

I would particularly call your attention to that part of the report which deals with the immunity granted to groups of business men from the provisions of our anti-trust laws and the laws against conspiracy in restraint of trade. Without going into the question of the constitutionality of these statutes, I will say that, in my opinion, such exemptions are un-American and undemocratic, and class legislation of the most pronounced type. No immunity from prosecution should be granted under the law to any set of individuals, and no privileges should be extended to any particular class, not

extended to all the members of the State alike, and I, therefore, urge upon you the repeal of these discriminatory statutes. No fair-minded man favors an immunity by law which makes his action innocent, when like action by men in other lines of business is pronounced by the law to be criminal.

The people are demanding efficiency in government. The day has long passed when positions in the public service, requiring technical knowledge and training, can be used as a reward for political activity. You have an opportunity for great constructive service. This important department of the State government comes into close relationship with the every-day needs of every one of our citizens, as both producers and consumers are vitally affected, and neglect to remedy these very palpable evils is a double sin, in that efficient service is not only denied to the people, but the people's money, appropriated to obtain efficient service, is wasted.

I earnestly ask you to read carefully the final report of Commissioner Battle. It is an indictment of the whole system for gross inefficiency not understandable in this age.

(Signed) ALFRED E. SMITH.

NOTE.— The report of Commissioner George Gordon Battle is contained in section X of the 1919 Public Papers.

Transmitting Report of the Reconstruction Commission on Public Health and Asking Legislation in Advocacy of a Broad Public Health Policy

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 17, 1920

To the Legislature:

Herewith I transmit to you a report of the Reconstruction Commission on Public Health.

In my annual messages to the Legislature I have strongly advocated a broad public health policy and urged that the State assume greater responsibility. I have suggested in my annual message to you of this year that the State should subsidize local health affairs and co-ordinate private and public health facilities and I have also urged liberal financial provision for the Department of Health.

No other subject before you has such important bearing upon the welfare of the people of the State.

In considering all phases of public health from the broad standpoint of community responsibility this report, which has been prepared after careful study and under the expert chairmanship of Doctor Henry Dwight Chapin, will be of great assistance to you. I ask you to take these recommendations into account in legislation which may be enacted along these lines.

(Signed) ALFRED E. SMITH.

NOTE.—The report of the Reconstruction Commission on Public Health is contained in section X of the 1919 Public Papers.

Recommending Amendment to Statute Relating to Child Welfare so as to Afford Relief to Children of Aliens Also to Wives and Children of Men Committed to Hospitals or the Prisons of the State

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 18, 1920

To the Legislature:

In 1915 there was enacted what became known as the Child Welfare Act. It provided for the creation within counties of Boards of Child Welfare, whose duty it is to investigate the condition and surroundings of widowed mothers left with small children.

The history of this law and the reasons leading up to its passage are well known. For many years it was the policy of our various civil divisions, where mothers were unable to support their children after the death of the father, to place the children in institutions at public expense. The Act of 1915 changed the policy and gave to the Boards of Child Welfare the power to determine after thorough investigation that the mother should become the agent of the State and receive the money appropriated for the care of her children, rather than to separate them by putting the children into an institution. I need not dwell at any length on the benefits to the child and to the State that naturally grow from home training under the guidance and watchful care of a good mother. In some of the counties appropriations have not been made by the Boards of Supervisors, and I renew the recommendation made in my first message, that the law be amended so as to make mandatory upon the counties the duty of making proper appropriations to meet the cases passed upon favorably by the Boards of Child Welfare.

Under the provisions of the statute as it exists this relief cannot be given to the children of aliens. I recommend that the statute be amended so as to bring within its provisions all children born in this country of alien parents. They are citizens by birthright and are entitled to our protection.

I also recommend that the statute be amended so as to enable Boards of Child Welfare to bring within their province the wives and children of men committed to our hospitals for the insane, or to the prisons of the State where the term of imprisonment exceeds one year. The insane father, unable to provide for his children, leaves a care to the municipality which it cannot overlook, and I speak from a personal experience in the Governor's office when I say that the commitment to State prisons of men convicted of crime in eight cases out of ten works a greater hardship on innocent women and helpless children than the criminal himself suffers. He is clothed and fed by the State. They are thrown upon the resources of relatives or friends, if they have any, and, if they have none, the municipality must provide for their care in an institution, as they become a public charge. As it makes no difference to the taxpayer whether the money is paid to an institution or to the mother, where

she is a fit and proper person to have the custody of her children, there can be no argument against the admission of this class of dependent children. In the last analysis, it is simply a question of whether or not the people will care for these children as a matter of charity in institutions, or as a matter of duty in their own homes.

Having in mind our sacred obligation to conserve to the last degree the home and child-life of the State, I can see no reasonable objection to these amendments, and I urge your Honorable Bodies to support the bills putting them into effect.

(Signed) ALFRED E. SMITH.

Calling Attention to the Operation of the Deer Law Signed by the Governor in 1919 for a Trial of One Year and Transmitting Report of the Conservation Commissioner Showing Need for Repeal and Substitution

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 23, 1920

To the Legislature:

At the last session the Legislature passed and sent to me a bill amending the so-called "Deer Law" by providing that a hunter during the open season may take one deer, either buck or doe.

At the time the bill came before me I gave a public hearing on it and it was agreed all around that we should try it for one season.

The report of the Conservation Commissioner of what has happened under its operation is attached hereto. I would request that it be read, for the information of your Honorable Bodies. I am satisfied that after reading it you will take up the bills pending in both houses looking to the repeal of last year's law and the substitution in its place of a law providing for the shortening of the season and the taking of one buck.

(Signed) ALFRED E. SMITH.

REPORT OF CONSERVATION COMMISSION

Results of the Deer Hunting Season of 1919

DEER POPULTATION OF THE STATE

Investigations made by the Conservation Commission for the last four years, particularly when the snow is deep and the deer are yarded, so that it is possible to estimate their numbers, have indicated that the deer population of the State in round numbers prior to the last hunting season was approximately 50,000.

NUMBER OF HUNTERS

Reports of game protectors regarding the number of men who hunted deer in their territories during the season of 1919 totaled 60,458. This is an estimate based upon information collected from guides, hotels, boarding-house keepers, etc. It may thus be stated with reasonable accuracy and in round numbers that approximately 60,000 men hunted deer during the last season. In 1917 the reports totaled only 37,000. It is thus apparent that in 1919 there were actually more men hunting deer than there were

deer in the State. This is partly attributed to the fact that does could be killed, which made it much more possible for a hunter to get a deer. It is also partly attributable to the great increase of the vacation spirit, which has become an important feature of modern life, particularly since the war ended. It is evident that this increase in the number of hunters makes it necessary to increase the restrictions on hunting if we are to preserve the game.

DOES AND BUCKS SHOT

During the deer hunting season every game protector and forest ranger was required to report every dead deer actually seen and every deer directly reported to him as having been shot, and to specify the sex. The Commission has reports from eighty men, and their actual observations of dead deer and deer directly reported to them as shot, over the entire extent of the Adirondack deer hunting territory show 5,627 does and 4,345 bucks.

Another method of ascertaining the does and bucks shot was that of requiring protectors to take up positions on different days on important roads leading out of the Adirondacks, and make an actual count of the deer that passed on those days. The protector at Saranac Lake on eleven days reported 26 bucks and 62 does. At Tupper Lake the proportion was even greater. the protector on five days reported a total of 63 bucks to 215 does, or 3.4 does to one buck.

All of this data makes it clearly apparent that the statements of those in favor of a change in the law last year, that wherever possible hunters would get bucks, and that the mortality of the does would be comparatively small, were without foundation, the real result of permitting the killing of does being a tremendous mortality of the mothers.

TOTAL NUMBER OF DEER SHOT

Figures showing the total kill of the season will not be available until reports are received from tanners, showing the number of Adirondack deer hides received during this fur buying season. The following general conclusions, however. may be stated at this time:

1. The number of bucks killed has exceeded the number of bucks taken in a buck law year. The new law has thus not operated to protect the bucks.
2. The number of does taken has been very much in excess of the number of bucks.

The Commission believes that when the final figures are available, they will indicate that considerably more than 20,000 deer have been killed during the season of 1919. In the season of 1917, when approximately 37,000 men hunted deer, the final figures indicated a kill of between 8.000 and 10,000.

SIMILAR EXPERIENCE IN VERMONT

In the State of Vermont in 1919, as a result of a law permitting the killing of does in that year, the kill was 2,138 does and 2,018 bucks, whereas in the nine days' hunting season in 1917, under the buck law, 992 deer were killed, and in the eighteen days of hunting in 1916, under the buck law, 1,630 deer were killed. Vermont has permitted the killing of does about once every five or six years for sometime, and on each occasion, the number of bucks killed has exceeded the number in a buck law year, the number of does killed has exceeded the number of bucks, and the total kill has been more than double.

When it is considered that Vermont with its small population and small territory, and very few hunters coming from large centers of population or from outside the State, killed 4,156 deer in only five days, it is apparent that New York with a month and a half of hunting, and 60,000 hunters, without enforcible restrictions of any sort, has made a very serious inroad upon its deer population.

HUNTING ACCIDENTS

The Conservation Commission has very carefully investigated every hunting accident which occurred anywhere in the State during the entire hunting season of 1919. These investigations have been made by the game protectors and forest rangers in the deer hunting territory. Nine men were killed in *mistake for deer*, and seven men were wounded *in mistake for deer*. In every instance, the man who did the shooting thought that he saw a deer, and inasmuch as he was not required to look close enough to see horns on the deer, he shot and either killed or wounded a fellow hunter. One father killed his son; another father wounded his son; one man killed his brother-in-law; and several other men either killed or wounded members of their own hunting parties.

A year ago only two men were killed and two wounded in mistake for deer, and in each one of those four cases, the man who did the shooting admitted that he was not endeavoring to observe the buck law. This year, when no one was required to observe such a law, the killings and woundings increased from four to sixteen.

Records of hunting accidents in state after state, where the buck law has been tried, have proved conclusively that the law, requiring hunters to look for horns on the deer, safeguards human life, and that the mortality jumps tremendously when the buck law is not in force. The results of the last season in New York State have proved it again.

A RATIONAL LAW

Reports received from game protectors on the number of deer and deer tracks seen in the woods since the close of the season, and particularly since snow fell, have indicated that there are still deer enough left in the woods for a breeding stock, and that reasonable hunting can still be permitted.

It has been thoroughly proved by biologists that under the buck law a considerable number of deer can be killed and the herd will nevertheless continue to increase. This is because of the fact that deer are very polygamous. A ratio of one buck to four does is sufficient to insure full reproduction.

The Conservation Commission accordingly favors a return to the buck law, but with the added restriction that the hunter may shoot only one buck, and with a further restriction that all deer transported must have the head attached, and the evidence of sex shall not be removed from hides, except in the actual process of tanning. The restriction of requiring attachment of heads to carcasses during transportation will make it impossible for hunters to kill does, cut them up, and bring them out in pack backets. Under the old buck law, large numbers of does were brought out in pack baskets, and the secret service work of the game protectors proved that many hunters killed does quite as readily as they did bucks, simply because they could bring them out so easily without detection. If bringing them out in this way is impossible, their killing will very largely cease.

The Commission also advocates a short season from October 15 to November 15. It does not favor making the season shorter than this because a much shorter season would mean concentration of a large number of hunters in the woods at one time, which would have a tendency to increase hunting accidents.

A close season ought not to be resorted to unless absolutely necessary. The people of the State should not have their recreation curtailed any more than necessary. Quite as important as this is the fact that large numbers of people in the Adirondacks derive a considerable part of their annual income from caring for hunters, and to entirely prohibit deer hunting for a period of years would be a severe hardship to them. The Commission is convinced that there are still enough deer left in the Adirondacks to make this unnecessary.

(Signed) GEORGE D. PRATT,
Commissioner.

Recommending That the Armory Commission be Authorized to Enter into Contract for Sale of State Arsenal in New York City, Which is Deemed Inadequate and to Rent Quarters Until New Arsenal Can be Erected

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 1, 1920

To the Legislature:

The State owns a piece of land in the City of New York on which the State Arsenal now stands. It was purchased in 1857 for $25,900. The building was erected during the years 1858 and 1859. The complete cost of the building was about $135,000.

The property is located at the corner of Thirty-fifth street and Seventh avenue. A similar piece of property changed hands in November, 1919, at a price of $575,000 and there is to be erected upon it a sixteen-story loft building.

The ground upon which the arsenal stands is approximately one-third greater in area than the piece mentioned and the estimated worth of the arsenal property at the present time is $700,000.

A plot of ground for a new arsenal opening on two streets and located west of Ninth avenue, so that it may be near the transportation lines, could be purchased for about $150,000. On it could be built a new arsenal 80x 180 feet running through from street to street, of fireproof construction, with cement floors, steel and masonry construction, four stories and basement, fully equipped with electric service and passenger elevators, and one elevator capable of carrying heavily loaded trucks to various floors, with magazines, heating, plumbing and electric fixtures, ready for occupancy, for less than $700,000.

While this appears to be no actual saving to the State, it must be borne in mind that the present arsenal, constructed as it was as far back as 1857, is entirely inadequate for the work required of it, and its load capacity is so small as to make it unsafe to store in it a large quantity of property.

There is also present the danger of fire, and it is very great. The arsenal is of inferior construction and its equipment is inefficient, which makes necessary the employment of a much larger force than would be required to run a modern, up-to-date building equipped with the latest appliances for handling property.

There has been some talk of locating the arsenal in Albany. That would be extremely unwise, as all property received from the Federal Government comes from depots south and west of New York City and to locate the arsenal in any other place than in New York City would make it necessary to ship two-thirds of all the property required by the National Guard to some other part of the State and then ship it back to New York City and its vicinity, where over two-thirds of the National Guard is located. It is conservatively estimated that its location for instance at Albany would entail a cost to the State of over $30,000 a year for freight charges.

I would, therefore, recommend that the Armory Commission be authorized by law to enter into a contract for the sale of the present arsenal with the further power to rent the necessary space until a new arsenal can be erected.

(Signed) ALFRED E. SMITH.

Requesting an Appropriation of $25,000 to Continue the Work of the Labor Board Which so Effectively Prevented or Mediated Strikes in Various Industrial Fields

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 2, 1920

To the Legislature:

To discuss constructively the unusual condition of industrial unrest prevalent this last year throughout the State, I called a conference in the Executive Chamber at Albany on August 20, 1919.

This conference was attended by a large and representative group of employers, employees and public spirited citizens. The industrial problems confronting the State were thoroughly discussed. It was especially emphasized that it is essential to maintain production and to see that the wheels of industry are kept turning.

It was agreed that the period after the war with the high cost of living and the business uncertainties prevailing called for the assistance of specially qualified public spirited citizens willing to give time and thought to the solution of the State's problems of industrial readjustment. Such a group, flexible as to personnel, when special difficulties might arise, would be of the greatest assistance to the Industrial Commission in developing standards and methods later applicable to the Department when the situation returns to normal.

This discussion resolved itself into a consensus of opinion resulting in the passage of a resolution that the Governor appoint a special board representing the three elements of employers, employees and the public, whose function would be the promotion of better relations between workers and their employers, by means of mediation, constructive suggestion and such other methods as they could devise. Their chief function was to be the prevention, so far as possible, of strikes or lockouts.

I appointed such a board with the following initial personnel:

Representing Labor:

James P. Holland, President State Federation of Labor.
T. M. Guerin, Vice-President State Federation of Labor.
Hugh Frayne, National Organizer, American Federation of Labor.

Representing Employers:

W. D. Baldwin, Chairman, Board of Directors, Otis Elevator Company, Yonkers.
Saul Singer, representing needle industries of the State, 136 Madison avenue, New York City,
Edward J. Barcalo, President, Barcalo Mfg. Co., Buffalo, N. Y.

As representing the public-at-large:
Lieutenant-Governor Harry C. Walker, of Binghamton.
Adjutant-General Charles White Berry, of Brooklyn.
Edward S. Walsh, Superintendent of Public Works, Brooklyn.

The experience of the board has demonstrated the value of dealing with industrial unrest before it ripens into a strike. In this way loss of production and wages and a general demoralization of the community through a strike or lockout are avoided.

The board has functioned in a number of industrial crises. Its most recent activity has been in connection with the threatened strike in the cloak and suit industry in New York City, which, had it not been averted by the activity of this board, would have resulted in the idleness of 50,000 employees and their dependents, making a total of nearly one-quarter of a million people.

The board as constituted has also been of great service in preventing or mediating strikes in various industrial fields, including railway express employees, picture frame workers, certain of the needle trades, and is just now engaged in arbitrating differences which have arisen in the shirt-making industry in New York. They have prevented a strike affecting 5,000 workers in that industry.

The board has co-operated closely with the Industrial Commission, utilizing some of the facilities existing there, such as the Bureau of Statistics and some of the special investigators. In fact, in several instances, members of the Industrial Commission have been designated as members of the board.

During the present disturbed condition, and until our people find themselves, I consider it essential to be able to continue the work of this board and to utilize for adding to its personnel, as special members, local representatives of the industries involved.

This board is in no sense a permanent institution. It has been called into being to meet an emergency and will be discontinued when that emergency has passed.

Such a board must necessarily incur expenses, which are provided for in other channels. Its members serve without compensation, and I have been unable to ask them to function as fully as would be necessary because of the inability of the State to reimburse them for necessary outlays for clerical and other essential expenses.

I therefore request that you make an appropriation of twenty-five thousand dollars ($25,000) to continue the work of this board.

(Signed) ALFRED E. SMITH.

Food Production and Distribution

Transmitting Report of Reconstruction Commission

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 3, 1920

To the Legislature:

Herewith I transmit to you the report of the Reconstruction Commission concerning food production and distribution. In appoint-

ing the Commission, I asked its members to study the food problems of the State "with a view to capitalizing for permanent use the lessons the war has brought home to us." They have done so and the accompanying report, touching as it does upon many phases of the food problems of the State, represents the result of that study.

It is apparent that the efforts to control and to reduce the high cost of living have thus far failed to improve the situation. The best figures obtainable show that there has again been an increase in the cost of living in the past six months.

Whatever may be the merits of Federal control of food problems, I hold that as a State we have not done our duty until we exhaust every means in our power to secure some improvement in matters that so vitally affect the daily lives of the people.

No one panacea will reduce the cost of living. A patient, many-sided attack must be made upon it. We have food legislation of an advanced type on our statute books, but it is faulty in some respects, and these recommendations for legislation will strengthen the administration of the food laws of the State.

The proposed statute that will make hoarding unlawful is aimed to prevent the withholding from the market of necessary food stuffs and also the destruction of food when the purpose of such destruction is to enhance the price or restrict its supply. The proposal to license food dealers and to curb unfair trade practices is aimed to control persons and corporations dealing in food in such manner as to assist reputable food dealers and gradually eliminate those who bring discredit on the trade.

The proposed law relating to the delivery of perishable food aims to salvage every usable bit of fresh food consigned to markets and to minimize litigation concerning it.

There is also proposed a law grading farm products, and another which would lower the price of eggs by a systematic and careful grading and will control the use in food establishments of eggs which are not fresh. This last law is one that is uniform with laws already enacted in other states and recommended by the United States Department of Agriculture as advisable for all states.

Existing laws, or the ones I am herein recommending, it seems to me, will avail very little until the agricultural, food and farming interests of the State are presided over by a single head with some fixed responsibility, who will actively utilize the statutes and enforce the law to the limit of its power.

(Signed) ALFRED E. SMITH.

The Hon. ALFRED E. SMITH, *Governor of the State of New York, Executive Chamber, Albany, N. Y.:*

DEAR SIR: I have the honor to transmit to you herewith reports on Food Production and Distribution which have been prepared after careful consideration on the part of the Committee on Food Production and Distribution, of which Mr. Thomas V. Patterson is chairman, and the following are members:

Mr. Addison B. Colvin, of Glens Falls.
Mr. S. J. Lowell, President of the State Grange.
Mr. Arthur William, Federal Food Administrator for New York.

Mrs. Sara A. Conboy.
Mrs. Lewis S. Chanler.
Mr. Gerrit Y. Lansing, Albany.
Mr. V. Everit Macy, Westchester.
Mrs. Walter W. Steele, Buffalo.
Mr. J. N. Beckley, Rochester.

To this committee was added a subcommittee on agriculture, consisting of the following:

Mr. S. J. Lowell.
Mr. S. Fred Boshart, Lowville, N. Y.
Mr. D. V. Farley, Campbell Hall, N. Y.
Mr. F. N. Webb, Cortland, N. Y.
Mr. C. E. Dimon, Southampton, N. Y.

Very truly yours,
ABRAM I. ELKUS,
Chairman.
BELLE L. MOSKOWITZ,
Secretary.

REPORT OF THE RECONSTRUCTION COMMISSION ON FOOD PRODUCTION AND DISTRIBUTION

January 30, 1920.

The Governor:

In your message appointing the Reconstruction Commission you called the attention of the Commission to the food problem of the State. You stated that "Food of every kind should be made available at decreased prices." You asked the Commission to study the food problems of the State with a view to capitalizing for permanent use the lessons the war has brought home to us and increase the productive and distributive facilities of the State, in co-operation with State and local agencies organized for similar purposes. In accordance with this request the Commission appointed a Committee on Food Production and Distribution, to which was added a subcommittee on agriculture, consisting of representatives of the practical and academic, agricultural interests of the State. The Commission presents to you, therefore, a report on Food Production and Distribution that has been drawn after conference with representatives of the many branches of the food industry.

The present crisis in the cost of living is proving that a policy of laissez faire in relation to food, results in profiteering, waste and excessive costs. The experience gained with war-time regulation of food through the State Food Commission working in co-operation with the Federal Board has proven of permanent value and the State has fortunately retained machinery that can be put in motion through the Department of Farms and Markets, provided that department is immediately strengthened in its administrative power, as suggested in this report. Your Commission recommends that the State of New York embody as a permanent policy the fruits of reasonable regulation of food distribution.

Vital as the problem of food production and distribution is, its solution will not be found in any one panacea. It is made up of a number of considerations, some regulatory, some constructive, and some applications of good will.

GENERAL DESCRIPTION OF PRESENT PROBLEMS OF FOOD DISTRIBUTION

Agencies of Distribution

The distribution of food commodities under modern conditions is no longer a simple process of exchange between the farmer and consumer. It is a highly complex, specialized business requiring millions of capital and thousands of persons, performing no other function than the collecting of

products from vast territories where they are produced and bringing them to centralized market, from which they eventually reach the consumer.

The agencies of distribution may be generally classed as (1) collectors; (2) shippers; (3) transportation compapnies; (4) brokers; (5) commission merchants and wholesalers; (6) jobbers; (7) retailers.

The collection and shipment of goods to the cities is performed in various ways. The simplest and now the rarest method is that of the producer who drives into the cities and sells directly to the retailer and consumer. The majority of the producers, however, ship their produce to a wholesaler or commission merchant, or sell it to a local collector or shipper. Some sell their produce through brokers in the cities who endeavor to dispose of their commodities among the wholesalers. The largest receivers are the wholesalers who purchase goods outright and the commission men who receive goods on consignment and charge a commission. One man may do both types of business.

Both wholesalers and commission men sell to jobbers or smaller wholesalers and to retailers. Inasmuch as they handle foodstuffs in large quantities, it is impracticable and often impossible for large wholesalers and commission merchants to divide the goods into small lots to suit the demand of the retailer. This function is frequently performed by the jobber. He buys fairly large quantities and divides it into smaller packages for sale to retailers. However, goods very often pass through three or four such dealers before reaching the retailers.

The speculative and disorganized condition of the distribution system has brought upon the middleman so much condemnation in recent years, that the public has come to believe that he is an economic parasite. The value of much of the service he rendered has been lost sight of in our resentment at the increasing cost of the food products and the speculative features of the business. Writers and speakers have held before us the ideal of eliminating the middleman and of re-establishing the direct contact of farmer and city consumer. But, although it may be possible to change his character and even through co-operative enterprise to eliminate him, still the task of drawing together from every corner of the world day after day, season after season, the food supplies upon which the big cities are dependent, must be carried on, else the farmer cannot profitably produce or the city consumer have food to eat. The purpose of this report is to analyze all the functions involved in bringing food from the point of production to the consumer and to point out such defects in the methods of handling it and selling it as can be remedied through definite constructive action.

Faults in the Present Distributing System.

There are two types of faults in the present distributing system: (1) those attributable not to any particular group of individuals but to the system itself, and (2) malpractices on the part of individual producers, middlemen or retailers. In any group those who are guilty of unscrupulous practice are, generally speaking, a minority with little capital invested and nothing to lose. Such dealers not only injure the reputation of the entire class but create market conditions that often result in losses to the reliable dealers, the producer and consumer.

Some of the most serious faults in the present system are the shortages and oversupplies of foodstuffs, the lack of adequate transportation service, the means of establishing daily market prices, and the disadvantages of the general farmer, which are described below. The most prevalent malpractices are the malpractices of the shipper, the malpractices of the middleman against the shipper, and the malpractices of the wholesale and retail food dealer, which are also described below.

(1) *Shortage and Oversupplies of Foodstuffs.*

One of the most serious problems of producers, middlemen and consumers is the occurrence of oversupplies and scarcities in succession within periods of a few weeks. Often such large quantities of a commodity arrive

during a certain week that it is impossible to sell the goods at a price that will cover the cost of transportation alone. Such gluts cause the discontinuance of shipping to the market and within a period of perhaps two weeks there will be another scarcity. The price is then so high that it is beyond the reach of the consumer. The high price encourages large shipments and the market is again "glutted." Owing to the lack of ordered foresight in the direction of shipments, producers may ship to distant markets when the prices are higher in their local markets. Local crops may be sent to distant points while the same commodity is being imported from other states. Such a condition prevailed during the early fall of 1917 in New York city when enormous shipments of onions arrived in the New York markets. During the preceding spring, onions sold at $10.00 to $15.00 per hundred-weight bag. These high prices caused a production beyond the normal demand with the result that in the early fall the highest grades of this commodity could find no purchasers at twenty-five to fifty cents per bag. Enormous quantities not finding any sale were permitted to rot. A few weeks later onions were again scarce and sold at $10.00 to $15.00 per bag. In all such gluts large amounts are wasted and lost, the cost of which must be borne by the producer or consumer.

(2) *Lack of Adequate Transportation Service.*

Of primary importance in the shipment of perishable and semi-perishable foodstuffs is the facility and rapidity of getting such commodities to the consuming centres. In sections where the transportation facilities are best the producer is greatly encouraged to increase his entire general production. Under favorable transportation conditions, there will be a minimum loss on his commodities. The through shipment of perishable produce on express trains by southern producers to northern markets is an example of intelligent co-operation of the carriers and shipper resulting in greatly increased outputs. Where transportation facilities are poor the producer is hampered by heavy losses through deterioration, and his incentive for increased production is destroyed.

The greatest difficulties of growers and shippers may be summarized as follows: inadequacy of car supply in heavy shipping season; delays in loading; delays in transit; lost cars in transit; poor icing methods; and poor terminal facilities.

(3) *Daily Market Prices Uncertain.*

In the daily sales of foodstuffs in any city, the commodities are received at different terminals, arriving from various sections of the State or country. It is, of course, desirable that some form of standard prices be determined for the guidance of all the sales of the day. It is of great importance not only to the traders in the various markets but also to the shippers and farmers to know what the current market price is from day to day.

Consequently, various means and devices have been formulated to determine such prices. Quantities of foodstuffs consigned to individual receivers, must in turn be divided into various sizes, qualities and quantities for sale to the jobbers who further distribute the goods to the retailers. In such private sales, the wholesalers must interview the buyers and show their goods. Very often a buyer will visit a number of wholesalers before he makes any purchases. The multiplication of this process to many wholesalers and jobbers tends to consume a large amount of time and a great amount of extra expense. To save such extra labor and time, groups of wholesalers or commission men established central organizations for the handling of large quantities of products, thus eliminating duplication of much work. Such organizations have finally developed into the present auction companies and produce exchanges.

These agencies, however, can only handle commodities in standardized grades and standardized packages. Such goods can be very readily sold by the exhibition of samples, and this eliminates the necessity of rehandling and reinspecting of entire shipments by a great number of prospective pur-

chasers. The commodities generally sold at auction are the California citrus fruits, peaches, pears, grapes and plums. The produce exchanges handle a large and varied number of commodities, such as grain, cotton, coffee, butter, eggs and hay.

The growth of such mediums for price determination has resulted from evils in other systems, and from the need of simpler methods of trading in commodities that arrive constantly in large volume. The further development of such agencies is necessary for the ultimate betterment of marketing methods. While much can be said in favor of this method of conducting business, it offers possibilities for dishonest practice. The weaknesses are due largely to the control of the exchanges by special classes of traders whose interests tends either to underquoting or overquoting of the market, as the case may be. They are primarily under the control of the dealers in the wholesale trades, the producers with few exceptions having nothing to say in the determination of market prices. The auction companies and exchanges determine the daily prices for the commodities handled. By combination of the larger dealers the commodity may be withheld from sale or thrown on the market, in either way, creating a fictitious market price.

(4) *Faults Due to Malpractice.*

The principal malpractices characteristic of the auction companies are those of unfairness of commissions and handling charges, preferential contracts with rebates to heavy shippers. resulting in practical control of the markets. Theoretically, auction concerns charge a standard commission rate for handling produce. In practice, however, they make special contracts with large shippers whereby lower commissions are charged. This brings a greater amount of business to the auction companies and ultimately results in practically a complete control of all of the arrivals of particular kinds of perishable produce from a particular growing section.

The manner of sale on the produce exchanges is by the "call" system. The articles are offered for sale and the purchasers offer various prices until a price agreeable to both is determined. A dealer on the floor of the New York Mercantile Exchange having a large quantity of butter or eggs on hand may raise the price of that commodity by active bidding and create an abnormally high price. As the bulk of these foodstuffs is sold outside of the exchange, at prices determined by the exchange, the artificial increase in the exchange price greatly benefits the dealer in the balance of his sales.

The prices for live poultry in New York city are determined by mutual consent of the entire wholesale trade. The commission men assemble at regular intervals and decide the daily prices among themselves.* The jobbers and retailers purchase the live poultry not knowing the price. This price is ascertained from 6 to 24 hours later. Even though prices are supposed to be determined by the supply and demand of live poultry at given times, the possibility for abuse of this control is very great.

CONTROL OF WASTE AND MALPRACTICE IN DISTRIBUTION OF PERISHABLE FOODS

General Statement of Recommendations.

The Committee on Food Production and Distribution recommends that the State Department of Farms and Markets, the permanent department having to do with food distribution. be given greater powers than it now has for the prevention of waste and the elimination of malpractice in the distribution of perishable foodstuffs. It is not, however, desirable that the statute books be encumbered with detailed provisions regarding technical food distribution matters. The great merit of the war-time control over food distribution was its flexibility to changing conditions and its directness in handling matters usually encumbered with legal formality. This flexibility and directness can be accomplished only through the basic power of license control. It is therefore recommended that authority be given the

* See report of the New York State Food Commission p. 33.

Department of Farms and Markets to license all wholesale dealers in food commodities and feedstuffs. It is also recommended that the State Council of Farms and Markets be given power, after public hearings, to issue regulations which when formally enacted and published will have the effect of law for the regulation of clearly defined abuses and wasteful or uneconomical practices.

How Waste was Controlled by the Food Administration.

One of the primary functions of war-time food control was elimination of waste and unnecessary cost in distribution. Much waste of foodstuffs in transit between the producer and the ultimate consumer is preventable, providing necessary authority is given and appropriate action taken. The New York Federal Food Board combining the United States Food Administration and the State Food Commission and the various county food administrators did much to eliminate this preventable waste which adds immensely to the annual food bill of the State. The rejection of shipments of foodstuffs because of decline in market or for other reasons, with the consequent delay in moving the product, is one of the greatest sources of waste. In the shipment of berries, vegetables or fruits, for example, a few hours delay may mean material loss of the product. Through its power of license control the food administration was able to say "no delay that means deterioration and loss of food will be permitted." Because there was no other way of promptly settling a dispute between a shipper and receiver so that the product could be moved without prejudice to the interests of either party, it offered its services as arbitrator of the dispute. If both parties agreed to abide by the decision of the arbitrator, which they usually were glad to do, arrangements were made for a bank to hold in escrow a sum of money sufficient to cover the settlement and orders were given for the immediate moving of the product.

The following cases from the files of the Federal Food Board illustrate the way in which delay in handling adds to the cost of foods:

Case I.

A shipper in San Francisco sold a car of about 35,000 pounds of onions to a firm in New York city. The car arrived in bad condition, thirty per cent sprouted and some rot. The consignee refused the car as not a good delivery under his contract. Six days elapsed with telegrams passing between shipper and receiver before an agreement could be reached for receiver to handle car for account of shipper. In consequence practically all onions had sprouted while rot had greatly increased. Demurrage had accrued amounting to over $60. The onions did not bring freight charges. An immediate sale would have salvaged half the onions with a saving of $250 plus demurrage charges.

Case II.

A car of potatoes was shipped from Maine to New York, the consignee refused the car claiming that he had never ordered it. There was a question of veracity between the broker for the shipper and the consignee. In this case the Federal Food Board compelled consignee to handle car pending adjustment. Without their intervention the car would have remained on track, as neither party would have touched it for fear of prejudicing status in the court. After a considerable time had elapsed and demurrage had accrued the railroad would have sold the potatoes "for account of whom it may concern." As the car arrived in August, the slightest delay might have damaged the potatoes.

Case III.

A car of hay was shipped from upstate to a dealer in New York. He refused to accept it, claiming he had cancelled his order verbally and the cancellation had been accepted by shipper. If this case had gone through the courts, the railroad would have sold the hay, and the demurrage charges have consumed the whole value of the hay.

Case IV.

A commission merchant in New York City bought in Georgia a car of watermelons. In transit he had the car diverted to a customer at Newburgh, N. Y. The car arrived showing 30 per cent decay. The shipper refused to pay any attention to the receiver, as he claimed the original consignee in New York was the proper party to handle the complaint. To straighten out these differences would have required several days and meanwhile the whole carload would have decayed. The Food Board compelled the receiver to handle, pending adjustment. In the arbitration it was found that the original consignee was responsible as his agent had inspected the car at loading station. A New York merchant was thus saved some $300 loss inevitable without government intervention.

Case V.

A shipper upstate sold a car of about 40,000 lbs. of potatoes to a dealer in New York City. The car arrived in bad condition and the consignee refused to handle. On instructions from the Food Board the receiver did handle the car subject to its adjustment. The Inspection Certificate of the Bureau of Markets of the U. S. Department of Agriculture showed a loss of 15 per cent from dry rot with another 15 per cent injured by cuts and bruises. An allowance of $150 was granted and both parties were satisfied. If the Food Board had not intervened the shipper would have had to find a new buyer, probably, in view of the condition of the potatoes, at a greatly reduced price. He would have had to pay demurrage charges due to the time wasted in seeking a purchaser. The Food Board saved at least $150 on the car all of which would have been borne directly by the producer, and indirectly as well by the consumer.

Fifty cases of a similar nature could be cited from the records of the Food Board. Without exception the adjustment saved money to the shipper, as it compelled an economical and prompt handling. It prevented continued deterioration pending adjustment and accrual of demurrage charges — the most extravagant of all forms of waste. It helped the receiver also in offering a ready basis for adjustment at a minimum of expenses and the avoidance of legal cost.

Reduction of Number of Cars Left Unloaded 48 Hours.

The results accomplished by the Federal Food Board in New York City alone, by its policy of prohibiting practices that caused deterioration of perishables, are significant. When the Food Board took hold of the situation, in March, 1918, the transportation facilities, especially at the New York City terminals, were in a chaotic condition. Hundreds of cars of foodstuffs arrived after long delay in bad condition or subject to an entirely changed market. In consequence large numbers of cars were continually rejected by the consignees. At one time 400 cars of foodstuffs were delayed more than forty-eight hours in unloading in the New York terminals in one week, which meant thousands of dollars waste.

The Railroad Administration co-operated with the Food Board by reporting to it each day all cars of foodstuffs which had stood on the terminal tracks for forty-eight hours. The board at once inquired of the receiver as to why the produce was not removed. If a dispute had arisen between him and the shipper, the board advised that the dispute be submitted to arbitration and the produce disposed of immediately.

Within two months, that is, by May, 1918, the number of cars left unloaded beyond the forty-eight hour limit had been reduced to 100 weekly. As the method of adjustment between shipper and receiver practiced by the Food Board became better known, more and more the dealers came to rely upon this agency for settlement of disputes, and foodstuffs were handled promptly, subject to a labor arbitration before the Food Board, so that finally in the last week of October only three cars of foodstuffs arriving in New York City stood unloaded over forty-eight hours.

In six months, from May to November, 1918, the Federal Food Board handled through its Arbitration Division in New York City over 1,000 cases involving disputes between shippers and receivers over shipments of perishable or semi-perishable foodstuffs.

Result of Curtailing Functions of Food Board.

After the armistice the functions of the Food Board were curtailed. The effect of removing its control was immediately apparent. In the last week of November, 1918, the number of cars delayed beyond two days in unloading jumped to 70, in the first week of December to 100. The old conditions returned. The law, with its delays and inhibitions, prevented the prompt exchange of views which alone permits the free movement of merchandise. In case of disagreement the receiver could not handle without prejudicing his legal position; the shipper must find another receiver or make concessions, all pregnant with delay — the cause of deterioration.

Malpractice of Individuals Results in Waste.

A small number of dealers in New York City have by their malpractices done much to destroy confidence and to increase the cost of dealing in perishable foods for the more honorable receivers. These dealers, in their effort to obtain large returns on inadequate capital, frequently purchase produce far beyond their legitimate requirements and their ability to finance, in the hope that a rising market will enable them to effect a resale in the trade. When they find that their calculations are at fault, they unscrupulously reject, on technicalities, consignments made to them, thereby accentuating the unfavorable market condition, causing a large loss to the shipper and in most cases a waste of foodstuffs. In order to cover themselves against these losses, the shippers have to operate on a larger margin of profits, while the reputable receivers have to be prepared to meet the competition of unfair traders. The condition is obviously conducive of waste and additional cost to the consumer, and frequently of large loss to the producer, and not only the general public but the legitimate trade itself has to pay for the malpractice of not more than 10 per cent of the trade. Regulation, therefore, which eliminates a part of this waste will, by reducing the proportionate expense of distribution, bring about a decrease in the cost of foodstuffs to the consumer.

Erie County Food Administration.

This experience of the Food Board in handling cases of rejected shipments in New York City is borne out by the experience of the Erie County Food Administrator at Buffalo who has submitted a report to this commission recommending the placing of the shippers and receivers of farm produce in this State under license, and stating that "the expression of sentiment from the farmers, from shippers' organizations and from produce dealers have impressed upon me the fact that these parties desire this work (of arbitration of disputes between shippers and receivers) to continue.'

The Erie County Food Administration was instrumental in forcing the prompt handling of about 200 cars of perishable foods during the war and the value of this food was approximately $200,000. The commodities thus saved included potatoes, tomatoes, cantalopes, watermelons, prunes, grapes, eggs, pears, peaches, poultry, macaroni and corn meal. An interesting example of the results accomplished in Buffalo in the case of a shipment of a carload of turkeys from a firm in Ohio which the consignee in Buffalo refused to accept. The value of the shipment was $9,172.65. Through the efforts of the Food Administration the consignee agreed to accept, although the poultry was in very bad condition on arrival. The shipment was sold for $6,812.92, making a net loss of $2,359.73. If the shipper and consignee had not agreed to arbitrate the matter before the local food administration, practically the entire carload would have been lost.

Another case involved a shipment of eggs from Chicago valued at over $6,000. The Food Administration required the eggs, which were in bad shape, to be sold at once. A delay of another day would have caused a very large loss as the Department of Health would not permit them to go into storage because of their condition, and they were standing in a car without refrigeration.

Volume of Waste in New York Market.

The severe cold and snow storms in the winter of 1917–18 were responsible for much delay in transit and consequent deterioration of foodstuffs. Great quantities of foods cleared through the New York market, furthermore, for European shipment. The startling amount of 25,000,000 pounds of food condemned in 1918 by the New York City Department of Health as unfit for human consumption does not, therefore, represent a normal condition. However, in 1917 the Health Department condemned 16,000,000 pounds at this market and in 1916, 12,000,000 pounds. It may be noted that over 12,000,000 out of 25,000,000 condemned in 1918 were destroyed before the Food Board actively began its functions at the end of March.

These figures do not take into account a much greater quantity of foodstuffs which deteriorated in value but part of which was used as food. The reduction of this waste is a permanent problem of primary importance. Prompt handling at the terminals is essential and without a greater measure of control than it now has the State Department of Farms and Markets cannot enforce prompt handling.

Weakness of Present Law for Control of Waste.

The permanent State Department of Farms and Markets, which has taken the place of the Food Commission and the United States Food Administration in this State now that they are out of existence, has a very limited amount of control over the handlers of perishable food stuffs. The Farms and Markets Law required all concerns receiving foods on commission to secure a license from the department.* Only about 8 per cent of the food produce received in the New York market, however, is handled on commission. The department has been able to correct many evils in the commission sale of produce, but has had no control over 92 per cent of the distribution of vegetables, fruits and berries, in which by far the largest preventable waste takes place. It may well be argued that the present law is a discrimination against the commission man. Furthermore, the purposes of the law may be easily evaded to the detriment of the producer by buying goods outright without the financial means required to properly perform the contract.

Power of Department of Farms and Markets Inadequate.

The Department of Farms and Markets does not have adequate power to issue regulations interpreting and amplifying the general provisions of the law. During the war the State Food Commission was given full power to issue such regulations as might be necessary to correct or discontinue any practices in dealing in the necessaries of life, detrimental to the public interest. This power was exercised by the Food Commission with very beneficial results until its discontinuance in May, 1919.

One of the most important results that may be expected from an extension of the powers of the Department of Farms and Markets is the establishment of more standard grades for food commodities. The lack of standard grades in the sale of farm products is a great source of unnecessary expense and inefficiency in their distribution. In the absence of standard grades, the purchaser takes such chances in buying quantities of produce, unless he is able to inspect them at the shipping point, that he must pay the man who has a high grade product less than he would otherwise be willing to pay and charge his customer more to protect himself against loss. The same principle on which the farmers claim to be entitled to know what they are purchasing when they order a bag of cattle feed applies to the situation of the receiver, who is entitled to know what he is buying by a standard title when he telegraphs an order to forward farm produce.

On all fresh vegetables and fruits there are grades known as extra fancy which bring the top of the market. It is a source of frequent dispute between shipper and receiver whether the produce could be classed as this grade. Under the supervision of the Department with its control of the market, and its authority where necessary to examine records as well as to inspect the produce, this frequent cause of suspicion could be handled with a minimum of

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* Chapter 69, Consolidated Laws, Art. 12 A

friction. The shipper would be educated to ship his best produce as of the grade to which it belonged with the assurance of the top market prices for that quality, while the receiver would be assured of an impartial judge to ascertain promptly the correctness or incorrectness of the shipper's assertion.

Standardization of Products.

The honest and careful grading of vegetables, fruits and berries will prevent almost all the disputes between shippers and receivers. The educational value to the farmer and the shipper of the standardization of both the commodity and the package cannot be exaggerated. The capture of the New York markets by the Pacific coast fruits with their long haul and heavy freight costs is due almost entirely to the attractiveness of the package and the standardization of the produce. There is no inherent reason for the New York public buying Oregon and Washington apples, nor are California oranges better than those from Florida, only half the distance away. Standardization will mean better sorting at loading point. It will mean better selecting of seeds and better culture of fruits. And more important than anything else, it will mean the confidence of receiver and shipper in each other, which simplifies intercourse and alone permits dealing with a minimum insurance against losses by misrepresentation.

FOOD LAWS

Need for Revision of Food Laws.

Because of the duplication and confusion in the present laws of New York State relating to foods, feeds, farm products and agriculture the Reconstruction Commission believes that there should be a recodification of these laws. This codification should include a consolidation of the Old Agricultural Law and those articles of the Public Health Law relating to the same subjects, also the provisions of the General Business Law relative to weights and measures and certain additions and changes to facilitate the administration of these acts.

The Legislature of 1916 appointed a Joint Committee on Dairy Products, Live Stock and Poultry with an appropriation of $25,000 for its expenses to investigate problems of distribution of milk, butter, eggs, poultry and live stock produced in this State and to report recommendations for legislation. This committee prepared and submitted to the Legislature of 1917, a bill which if adopted without compromise and emasculation would have corrected most of the deficiencies in the State food laws to which this report purposes to call attention.

The legislation that was finally passed creating the State Department of Farms and Markets omitted some of the most important sections of the proposed bill and left the various food laws in a confusing state of duplication and uncoordinated phraseology.

The most important of these features of the original bill that were eliminated before final passage may be summarized as follows:

1. An entire article legalizing the formation of co-operative trade associations and combinations for economy in distribution of foodstuffs under certain definite restrictions and subject to licensing control by the Department (Article 4 of original bill.)
2. Definition of unfair trade practices, grant of power to the Department to declare other business practices unfair in addition to those specifically defined and the prohibition of such unfair practices as illegal. (Section 3, Article I of original bill.)
3. Power to take such measures as the Department may deem advisable to secure relief in case of emergency creating, or threatening to create, a scarcity of food. (Article 1, section 22, subdivision 15 of original bill.)
4. Definite authorization of the Department to issue rules and regulations for carrying out the purposes of the law, which rules, when duly enacted and published, will have the force and effect of law.
5. Authorization of the Department or the Attorney-General to bring action against any person or corporation to prevent the doing in this State of any act declared illegal by the laws relating to foods and argiculture.
6. Complete revision and codification of the Agriculture Law, the provisions of the Public Health Law relating to foods, and the provisions of the General Business Law relative to weights and measures and foods and markets into one co-ordinated series of articles.

Need for Revision.

It is unfortunate that the Legislature of 1917 did not see fit to adopt the complete revision of these laws presented to it at the time when provision was made for reorganization of the agencies responsible for their administration. The failure to do this has handicapped the administration of the food and agricultural laws under the new department. Although this Commission would suggest certain changes in the language of the original Wicks bill, the recommendations it desires to make as to revision of the food laws are substantially the same.

Duplication and Confusion in Present Laws.

The confusing character of the food laws at present is due more to duplication and lack of co-ordination than to conflict. There are, for example, two entirely separate laws on the statute books of the State relating to adulteration and misbranding of foods, one the Public Health Law and the other the Agricultural Law. Each of these defines adulteration in different language and establishes different penalties for violations. Furthermore, although responsibility for administration of both laws is placed on the Department of Farms and Markets by the act creating that department, the retention of the old terms of "Commissioner of Agriculture" and "Department of Health" in the two laws respectively, is misleading. The duplication referred to is shown more clearly by the following contrasted outlines:

STATE LAWS RELATING TO ADULTERATION AND MISBRANDING OF FOODS

Public Health Law	*Agricultural Law*
Article 4 — General provisions on adulteration.	**Article 8 — General provisions on adulteration and misbranding.**
Prohibits adulteration of foods and drugs.	Prohibits adulteration or misbranding of foods.
Defines (in other terms) adulteration of foods and drugs.	Defines adulteration and misbrading of foods.
Authorizes department to issue regulations.	Establishes penalties for violation.
Requires analysis by department of spirituous, fermented or malt liquors.	**Article 3 — Section 42 — Coloring matter in food products; analysis by State Board of Health.**
Defines and prohibits adulteration of wine.	Prohibits coloring of any food products with poisonous coloring matter.
Violations to be reported to district attorney.	Requires analysis of coloring matter by State Health Commissioner.

Not only is there this direct duplication but there is also a scattering of various articles relating to adulteration and misbranding of specific farm products and farm necessities in the Agricultural Law and in the General Business Law which must confuse the person who does not happen to have at hand a departmental compilation of them and wants to find the provisions applying to a particular type of business.

The following is an outline of these provisions:

General Business Law

Chapter 20 of the Consolidated Laws

Article 2 — Weights and Measures.

The basic weights and measures law of the State, defining standard weights, measures and containers and prohibiting deception and fraud in the sale of certain commodities by weight or measure.

Article 13 — Flour and Meal.

Specifies how flour and meal shall be packed, the size of casks and how they shall be branded.

Article 14 — Beef and Pork.

Specifies standard requirements for barrels in which pork or beef is packed and defines standard qualities of pork.

Agricultural Law

Article 3 — Dairy Products.

Among other things defines adulteration of milk and milk products.

Article 4 — Adulterated Vinegar.

Defines vinegar and adulterated vinegar.

Article 6—Paris Green and other substitutes.

Prohibits fraudulent labeling of packages of paris green and other insecticides.

Article 7 — Commercial Feeding Stuffs.

Places certain limitations on adulteration of feeding stuffs, requires manufacturers or dealers of feeding stuffs to secure license.

Article 15 — Hops and Hay.

Requires certain kind of marking of bales or packages of hops, prohibits adulteration of hops and defines standard weight of hop bales; requires the tagging of bales of hay or straw, prohibits adulteration of hay and requires sale by weight.

General Business Law

Article 26

Miscellaneous provisions relating to the marketing of canned goods, repacking of fruit and farm produce, marketing of ginseng, marking of oyster kegs and cans, and fees and charges for elevators and warehouses.

Agricultural Law

Article 9 — Commercial Fertilizers.

Relates to the sale of fertilizers, the labeling of packages, adulteration and requires a license of manufacturers and dealers.

Article 10 — Turpentine, Linseed or Flaxseed Oil.

Defines and prohibits adulteration of these commodities.

Article 11 — Apples.

Defines standard grades for apples, evaporated apples and peaches.

Article 14 — Miscellaneous.

Defines honey and prohibits adulteration; defines pure maple sugar and syrup and prohibits manufacture and sale of imitations.

In addition to these articles of law there is in the Public Health Law a section (Article 16-A) containing provisions relative to cold storage food. The enforcement of the Cold Storage Law, which requires a license of all persons or firms operating public cold storage places, is made a duty of the Department of Farms and Markets by the act creating that department, but the Cold Storage Law still refers to the Commissioner of Health as the administrative officer.

Proposed Power for Council of Farms and Markets. Dealers Should be Licensed.

With a view to developing a plan for permanently exercising public control over the handling of food commodities, in which lack of regulation means waste and added cost, the Committee on Food Production and Distribution has held several conferences with officials of the Division of Foods and Markets of the State Department of Farms and Markets. As a result of these conferences a bill has been drafted giving the Council of Farms and Markets power to place all wholesale dealers in perishable or semi-perishable food products under license and to issue regulations, within certain limitations, governing the practices of such dealers. In the opinion of this committee the powers conferred upon the Council should be broad and no attempt should be made in the law either to list the commodities that will come under the definition of perishable or to include detailed regulations applying to dealers handling them. The necessary formality of public hearing and publication should be provided for and the Council given power to interpret the application of the license provision on the basis of protection of the public welfare. subject to review by the courts as are the rules or orders of the Department at present.* The same procedure should apply to the rules and regulations that the Council may find it necessary to issue in order to control the practices that result in waste.

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*See Farms and Markets Law, Chap. 69 of the Consolidated Laws, Art.—, Secs. 55 and 56.

Department of Farms and Markets to be Arbitrator Between Shipper and Receiver.

It has also been agreed upon with the Commissioner of Foods and Markets that the Department of Farms and Markets should have the power to act as mediator or arbitrator in any dispute between a shipper and a receiver over a food shipment, or any controversy between a producer and a distributor, and that it should have power to designate competent individuals to act for it in a volunteer capacity in arbitrating such disputes. The only provision of this kind in the present law is one which states that the Department may serve in such capacity in a controversy between a shipper and a producer "*when jointly invited.*" In the opinion of this Committee full authority should be given the Department to compel the prompt handling of perishable products and to serve as arbitrator of disputes with the approval of the two parties.

It is the opinion of the Committee that out-of-the-State shippers will avail themselves of the opportunity to obtain settlement of their disputes with receivers in New York, Buffalo and other shipping or receiving centers through the agency of the Department of Farms and Markets. The fact that a license exists which is revocable will lead almost immediately to a general betterment of trade practices. The threat of punishment will be sufficient deterrent. Where one man has lost his license for cause, others will not risk incurring the penalty. In consequence the machinery of punishment will not require a large staff for enforcement. Yet it is impossible to get results without the proper instruments and to grant powers to the Department of Farms and Markets without a sufficient appropriation to regulate in accordance with its powers will defeat the intention of the sponsors of the bill. Full authority must be granted to the licensing power and full responsibility assumed by it. Only under this condition can the desired result be attained.

The experience of the chambers of commerce and trade associations in arbitrating disputes over shipments indicates that it is possible to secure the services of public spirited men of ability to act as arbitrators of especially difficult cases that can not easily be handled by the regular organization of the Department.

Inspection Should be made by U. S. Department of Agriculture.

As far as possible, the inspection service of the Bureau of Markets of the United States Department of Agriculture should be utilized for inspection of cars for grading and condition on arrival and duplication of such inspection by the State Department is avoided.

The Federal inspectors are trained specialists and the value of their inspections are recognized throughout the country. Furthermore, the small fee charged covers the cost of operation and the self-supporting basis on which the Federal inspection is operated allows for its expansion to meet enlarged demands.

License Fees.

Included in the proposed license plan is provision for an annual license fee varying from three dollars to fifty dollars according to volume of business as shown by tax returns. If only those wholesale dealers in vegetables, fruit and berries were included the number of licenses would be spent 10,000, including 4,000 now licensed as commission men. The additional revenue secured for the State in this manner would meet the cost of maintaining the license system.

Powers of Council of Farms and Markets Insufficient.

In order to make possible a just and effective administration of the food and agricultural laws these laws should be interpreted and the procedure of their administration clearly defined by rules and regulations of the Council of Farms and Markets having the effect of law. The Health Code of the State is formulated and adopted by the State Public Health Council to carry out the provisions of the Public Health Law. The Industrial Code is formulated and adopted by the State Industrial Commission to supplement and carry out the provisions of the Labor Law. The Farms and Markets Law gives the Department of Farms and Markets wide powers

of *investigation* but is not as definite as the other laws mentioned in specifying that the rules of the Council of Farms and Markets, when adopted after due formality, shall have the effect of law.

The weaknesses of the law in this respect are discussed more fully in the section of the report of the Committee on Food Production and Distribution entitled "Control of Waste and Malpractices in Food Distribution," to which the reader is referred. Other deficiencies are taken up in other sections dealing with special subjects. It is the purpose here to deal primarily with the general need for recodification of the existing food laws and strengthening of the means of their enforcement.

Need for Recodification of Food Laws.

A bill was passed by the Legislature of 1919 which was intended to provide for the formal adoption and issuance of rules that would standardize the procedure of the Department in interpreting the application of the laws. Because of certain defects in the measure, however, it failed to secure the approval of the Governor. Entirely too much discretionary power is now left in the hands of individual employees of the Department who in the absence of formal departmental rules make their own standards to fit individual cases as they come up. For example, the definition of adulteration in the Agricultural Law, stating, "If any substance or substances has or have been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product when offered for sale shall deceive or tend to deceive the purchaser," * may be interpreted in various ways as applied to an individual product. It is a disadvantage to the manufacturer or packer of food products not to know definitely the application of the law to his product and variation in interpretation may do him a great injustice. The department is continually asked to approve labels of food products, yet it has no formal standard rules governing its action on such applications. The formal adoption and publication by the Council of Farms and Markets of rules and definitions, which would have the effect of law, would secure continuity of policy and be of benefit to the persons affected.

The subject of recodification of the food laws has been discussed in several conferences with the Council and other officials of the State Department of Farms and Markets and their hearty co-operation has been extended to the Committee on Food Production and Distribution in the consideration of this matter. The need of recodification had been recognized by the Department for some time and tentative plans are now formed, subject to the approval of the Council of Farms and Markets, for drafting and presenting to the next Legislature a bill that will accomplish this purpose.

Conclusions and Recommendations.

It is the conclusion of the Reconstruction Commission that for the sake of efficiency in administration of the food laws of the State, for the sake of relieving persons and firms subject to those laws from the uncertainty and confusion of the present condition, and for the protection of the public the existing laws should be codified into one law, duplication eliminated and phraseology corrected. Also the existing laws should be strengthened by more definite grant of authority to the Farms and Markets Council to issue rules and regulations having the effect of law, by granting this Council power to place all wholesale dealers in farm products under license and by the various other amendments and additions proposed in following sections of this report.

The proper agency to prepare such a codification and revision of the food laws is the Council of Farms and Markets with the aid of the Counsel and other officials of this department. It is, therefore, recommended that a complete recodification and revision of the food laws of the State be prepared under the supervision of the Council of Farms and Markets and be passed by the next Legislature.

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* Subdivision 1, Sec. 201, Art. 8, Agricultural Law.

EGG TRADE

RECOMMENDATIONS FOR UNIFORM GOOD EGG LAWS

The Committee on Food Production and Distribution believes in the enactment by the next Legislature of the Uniform Good Egg Law and the Uniform Egg-breaking Establishment Law, formulated and adopted at a conference in St. Louis, January 24–25, 1919, of food and drug control officers of the various States, representatives of State poultry and egg shippers' associations and the Executive Committee of the National Poultry, Butter and Egg Association.

Without attempting to enter into an elaborate explanation of the conditions under which eggs are collected on the farms, packed, shipped, received, candled and finally sold in the city retail store, a few of the customs which are inimical to the interests of producer, consumer and even the trade itself will be described briefly.*

At present the farmer sells eggs to the country stores or shippers. These eggs are sold on a "count basis" and not by quality. The farmer accumulates on his place a large number of fresh and stale eggs until he has sufficient quantity to sell to the country storekeeper or shipper.

The purchaser buys all the eggs without regard to their condition in order to keep the "good will" of the farmer. Under such conditions there is no incentive to the farmer to keep his eggs to a high grade. There is no incentive to the farmer to keep high class breeds of poultry.

The country purchaser either ships these eggs to the market ungraded or grades them himself. Where the eggs are shipped ungraded to the market the sorting and grading takes place in the cities and the loss from bad eggs is taken by the city dealer. Where the eggs are sorted by the country purchaser he takes the loss from bad eggs himself. In either case this loss in money is passed on to the consumer.

The shipping of poor eggs included with good eggs means a lower average grade of eggs and therefore a lower price to the farmer. It also means that the cost of marketing such eggs is much higher than if the eggs were all of the good grade. Where sorting and grading is necessary extra labor is necessary. Where a number of bad eggs are included with the good ones it naturally means that transportation costs are higher. All of these combined together mean more handling than is necessary and therefore a higher cost of marketing. This condition makes the spread between the farmer and the consumer greater than it should be.

An investigation by the United States Department of Agriculture has shown the loss from waste by the shipment of uncandled eggs amounts to $50,000,000 per year for the entire country.

Dr. L. H. D. Weld, in his book on the "Marketing of Farm Products," states that an investigation of three shipments to cities showed that 75.3 per cent were of the first grade, 12.2 per cent of the second grade, 6.5 per cent were cracks and 6 per cent were rots. These figures indicate that 25 per cent of the eggs arriving in cities are ungraded and must be handled at a loss.

The Proposed Uniform Good Egg Law.

Previous to the discontinuance of the food administration there were a number of regulations issued by that agency which in a large measure prevented great losses in the egg industry and also had a tendency to eradicate the malpractices existing in that trade. Since the dicontinuation of that agency the egg production and distributing trades have fallen back to some extent to their old methods of doing business. This has been the cause for a demand by the poultry and egg dealers' organizations for some permanent legislation on this question, which for proper enforcement in times of peace would have to be on State lines.

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*A full description of the prevailing methods of producing and marketing eggs may be found in: "The Marketing of Farm Products," by L. H. D. Weld.

The Uniform Good Egg Law has been formulated on the instigation of the poultry and egg industry itself. A large number of State poultry, butter and egg associations affiliated with the National Poultry, Butter and Egg Association called a meeting in January, 1919, to which representatives of the Federal Department of Agriculture and State Food and Drug Commissioners were invited. The personnel of this conference includes the leading chemists, Federal and State officials on the questions of food. As a result of this conference the two laws mentioned above were formulated and have been presented before a great number of the State Legislatures. At present such laws exist in the State of Illinois and have been passed by the Legislature of South Dakota. The report of the committee appointed by the convention states that Tennessee is very likely to pass it, Alabama and Mississippi are taking active steps in that direction, and that Nebraska and Iowa will probably have such a law before its Legislature adjourns.

Provisions of the Uniform Good Egg Law.

In brief, the provisions of the laws are as follows:

The Uniform Good Egg Law defines eggs unfit for human consumption and requires that all eggs shall be candled before resale and that candling records be kept by all dealers of eggs. It further requires that all individuals or concerns (except retailers not purchasing from producers) dealing in eggs must be licensed and shall pay license fees.

This law also provides for the issuance of regulations by the Department of Farms and Markets and provides for penalties for the violation of any provisions of the act.

Provisions of the Uniform Egg Breaking Establishment Law.

The Uniform Egg Breaking Establishment Law provides for the licensing of all individuals or concerns engaged in the manufacture or preparation of frozen or dessicated eggs. The law further provides for the issuance of regulations by the Department of Health to govern these establishments, including labels for cans and receptacles and requires inspection of all such establishments for compliance with the Sanitary Law and the regulations of the Department of Health.

It also defines eggs unfit for human consumption and provides penalties for the violation of any of the provisions of the act.

Advantages That Will Result from Proposed Laws.

The most important of the advantages that may be expected to result from the adoption of the Uniform Good Egg Law and the Uniform Egg Breaking Establishment Law in New York State may be summarized as follows:

1. The farmer will be given an incentive to handle his eggs properly and improve his breeds of poultry. When he does so he will receive a larger yield and a higher average price because the purchaser will no longer have to protect himself against loss from bad eggs that cannot be detected until they are candled in the market.

2. The farmer will be protected from the commission man or wholesaler in the city who exaggerates the losses from poor eggs and deducts money for such eggs in excess of the actual loss.

3. The cost of marketing and transportation will be lowered because of the reduced handling, which should result in lower prices to the consumer.

4. The use of eggs unfit for human consumption by bakers, confectioners and other food manufacturers will be discouraged, if not entirely prevented.

The Sanitary Code of the Board of Health of New York City provides for regulation of egg breaking establishments (Article 17, section 331). Neither the State laws nor the regulations of the State Board of Health, however, cover this question.

Summary of Recommendations.

It is, therefore, recommended that the Legislature of New York State join with other States in enacting the proposed Uniform Good Egg Law and the proposed Uniform Egg Breaking Establishment Law placing the administration of the Uniform Good Egg Law in the hands of the Department of Farms and Markets, and the administration of the Uniform Egg Breaking Establishment Law in the hands of the local health authorities. The text of the bill is given at the end of this report.

COLD STORAGE

General Statement of Recommendations.

The Reconstruction Commission recommends that the Legislature amend various sections of the New York State Cold Storage Law. To this end it endorses the recommendations of the Department of Farms and Markets which if carried into effect would obviate many of the faults of the present cold storage situation.

Present Situation.

With the development and growing importance of the storage of foods in refrigerators regulatory legislation has been enacted. However, all the various contingencies could not be foreseen until the law was actually put into operation, and to-day we find that the cold storage law has proven to be inadequate. This is due to the fact that it is not far reaching enough and that enforcement is often difficult on account of lack of definiteness.

The Department of Farms and Markets, which has the supervision of the enforcement of this law, has made extensive and comprehensive studies of the cold storage situation in the State of New York. As a result of these investigations a number of recommendations have been made which if carried into effect would remedy the present faults.

Conclusions and Recommendations.

The data and evidence brought out by the report of the Department of Farms and Markets is so thorough that the Reconstruction Commission finds that it cannot add to it. This Commission therefore endorses the recommendations of that Department, which are:

1. That the Cold Storage Law be so amended as to apply to all private cold storage warehouses as well as public cold storage warehouses. (At present foods in private cold storage warehouses are exempt from all the provisions of the Cold Storage Law.)
2. That broader powers be granted to the Commissioner of Foods and Markets to rule on the question of marking foods that have been in cold storage. (The present law applies to all foods, including canned goods and similar products for which there is no necessity of marking.)
3. That provision should be made in the law for the disposal of foods having been in storage over the twelve-month time limit. (At present there are no provisions for the disposal of such foods after they are ordered out of the warehouses.)
4. That the Legislature of the State of New York enact the Uniform Cold Storage Law which is being advocated for other States. (A good cold storage law in any State becomes ineffective if the adjoining States have no adequate or similar cold storage law.)

NEED FOR MORE EFFECTIVE ENFORCEMENT OF WEIGHTS AND MEASURES LAWS

General Situation.

The Committee on Food Production and Distribution believes that a more rigid and effective enforcement of the weights and measures laws of the State on the part of State and municipal authorities and additions to the present laws are necessary for the protection of the consuming public from gross exploitation in the purchase of foods.

Scope of Present Law.

The investigations of the Federal Food Board and the State Food Commission which brought out information regarding exploitation of the consumer through malpractices in the retail sale of foodstuffs have been supplemented by investigations by the staff of the Committee on Food Production and Distribution. The conclusions reached are that the lack of adequate enforcement of various provisions of existing laws as well as inadequacy of some of the existing laws covering such malpractices is costing the people of New York City and New York State thousands of dollars each week.

The laws in relation to weights and measures are in part sufficient in substance but are not sufficiently enforced. The information collected indicates that there are extensive violations of the existing laws, not only by retail stores but by wholesalers. The loss due to either type of violation is ultimately borne by the consumer.

The present laws cover, among other things, fraud by short weighing, misrepresentation in the description of foods offered for sale, false trading and other similar means of exploitation. The enforcement of them rests primarily with the local weights and measures authorities, who are subject outside New York City to a limited amount of supervision by the State Department of Farms and Markets. Violators of the law may be fined from ten to twenty-five dollars. If they are summoned on a second offense a similar penalty may be imposed. This may go on indefinitely and the public will not be cognizant of the fact that the particular dealer is violating the weights and measures laws. In the opinion of the Commissioner of Weights and Measures of New York City, the compulsory exhibition of a placard on the premises for the second and other offenses would do more to eradicate malpractices than any system of fines.

A great fault of the present system of State enforcement and supervision is the lack of power lying with the State Department of Farms and Markets. In New York City the Commissioner of Weights and Measures admits inadequate enforcement and, apparently with reason, maintains that this is due to a lack of sufficient inspectional force.

According to the Commissioner of Foods and Markets, there are a number of city and county sealers who are not enforcing the weights and measures statutes.

An amendment to the weights and measures laws similar to lines 37 and 41, inclusive, of section 20, article 3, of the Public Health Law, which refers to "removal of health officers for just cause," would no doubt greatly facilitate a better enforcement of all the weights and measures laws.

Fraud in the Sale of Live Poultry.

One of the most common methods of cheating the public in food purchases, is in the sale of live poultry. There are, according to the Commissioner of Weights and Measures of New York City, about 400,000 live chickens sold weekly in New York City, 95 per cent of which are consumed by the Jewish public. These birds are purchased in the retail butcher shops with their feathers on. The butcher weighs the chicken, feathers and all, and then makes an arbitrary deduction for what he guesses the feathers weigh. It is much to his interest to guess short on the weight of the feathers and thereby get more than the bird is really worth. Inasmuch as there is no regulation on this question, the butcher naturally deducts as little as he can for the feathers. Although it is difficult to obtain definite figures as to the amount of this overcharging, it is safe to assume that the amount is enormous, at the price per pound for which poultry sells in New York. It is the opinion of the Commission that the Council of Farms and Markets should issue regulations covering this abuse, by creating a definite allowance for weights of feathers on live poultry.

Violation of Law Regarding Sale by Net Weight.

Another serious malpractice about which there has been a great deal of complaint to this committee and to the New York City Bureau of Weights and Measures is the packer's custom of selling meat and poultry in boxes

or wrappers by gross weight. The butcher, therefore, in purchasing wrapped hams, bacon, pork loins or dressed poultry, always pays the same price for the container as for the meat included therein. In case of hams he is paying for four ounces of paper at the rate of about 38 cents a pound; for bacon the retailer pays for four ounces of wrapping at the rate of 47 cents per pound. In case of dressed poultry, for every fifty pounds purchased he is paying for a pound and a half of wrappers at the rate of about 42 cents per pounds.

From studies made by the New York Federal Food Board, figures are now available which indicate that the retail butchers of Greater New York are being short-weighted, according to the wording of the law, to the amount of about $766,000 per year. From the retailer's point of view this additional charge for paper or wrapper is included in the cost of his commodity. For example, a paper-wrapped ham weighing 10 pounds gross will weigh 9¾ pounds net. This ham, as purchased, cost the retailer on a 38-cent per pound market, $3.80. He can only sell the actual ham and not the wrapper. Therefore, only 9¾ pounds of ham can possibly be sold. This ham, then, really cost him practically 39 cents per pound. The extra cost of paper at the price of the meatstuff is passed on to the consumer. Numerous conferences with retailers have brought out that this method of figuring the cost is common with butchers. It must be borne in mind that these figures apply only to the city of New York, and the total loss for the entire State must be much greater.

Test Cases.

The Department of Foods and Markets found this practice so common that it brought a number of test cases before the courts to determine definitely whether or not the present weights and measures laws were adequate. Several cases were carried to the Appellate Division of the Supreme Court and in a recent decision in the case of People v. Armour and Company (176 App. Div. 161) the court ruled that sections 17 and 17c of article 2 of chapter 25, Laws of 1919 (chap. 20 of the Consolidated Laws, General Business Law). only covers the question of marking the containers with the net weight, and does not make the sale by net weight compulsory. The law states that goods in containers must have marked on the containers either the weight of the goods contained or the weight of the containers themselves. When meat products are not sold in containers, they must be sold by weight, but no marking of the weight is required by the statute. The interpretation of the law vitiates the purpose for which the law was presumably framed, which was to compel the sale of foodstuffs in containers by net weight. It means that the packer may sell the paper wrapper on the ham at the price of ham provided he merely marks the net weight on the wrapper.

If sections 17 and 17c were amended to include the sale of meat products by net weight, most, if not all, of this loss could be prevented. Then the packer would be prevented from forcing the retailer to pay for the package at the rate of the ham itself.

Undergrading of Green Produce.

Section 435, article 40, chapter 88, Laws of 1919 (chap. 40 of the Consolidated Laws, Penal Law), states that the false description or other indication respecting kinds, quality, grade, quantity, number, weight and measure is a misdemeanor. Yet the pernicious practice of undergrading of green produce is common.

At the present time shippers of such commodities very often send produce to the cities of this State which is much below grade, though it was represented at the time of sale as first quality.

During the existence of the New York Federal Food Board many of the arbitration cases arose from disputes over this question. Before one arbitrator in three months there were at least fifty claims of wrong grading by shippers of potatoes. In two-thirds of these fifty cases a decision was rendered by the arbitrator against the shipper, *i. e.*, undergrading was accepted as proved. Similar situations also existed in shipments of onions, turnips, celery and other green produce.

Loss Due to Lack of Proper Grading.

The arrivals of such shipments of partly or entirely under-graded produce results in the rejection of the entire shipment by the receiver. Thus the entire shipment is lost. During certain seasons the accumulation of many such cases results in the loss of hundreds of pounds of perishable foodstuffs daily. Proper grading regulations and enforcement of the above law would eliminate a great percentage of this loss.

Sale of "Non-Kosher" Meat as "Kosher."

At present in Greater New York a great number of Jewish butchers are selling "non-Kosher" meat as "Kosher." The secretary of the Federation of Hebrew Retail Kosher Butchers' Association of America, Inc., states that 40 per cent of the Jewish butchers in Greater New York are selling "non-Kosher" meat as "Kosher."

From the figures of a census taken by the New York Federal Food Board this 40 per cent means that there are 718 stores in Greater New York violating the law daily. Inasmuch as the price of "Kosher" meat is much higher, such butchers who are selling "non-Kosher" meat as "Kosher" are realizing tremendous profits which they otherwise would not make. From figures compiled by the New York Federal Food Board, it was found that 59 per cent of the business of Jewish butcher shops is done in beef. At the time of this investigation (April, 1917) the difference in price between "Kosher" and "non-Kosher" beef was 6 cents per pound. The Federal Food Board's figures also show that the butchers of Greater New Yorks selling "non-Kosher" meat as "Kosher" are overcharging the public to the extent of $2,426,000 per year. This amount applies only to the "non-Kosher" beef that is sold as "Kosher." There is also a large amount of "non-Kosher" veal and lamb sold as "Kosher," on which there is a considerable overcharge to the public.

Sections 435 of Article 40, Chapter 88, Laws of 1919 — Chapter 40 of the Consolidated Laws — Penal Law, specifically governs the sale of "non-Kosher" meat as "Kosher."

The constitutionality of this particular provision of the law has been sustained by the Appellate Division of the Supreme Court, First Department, May, 1918, in the case of the People of the State of New York vs. Isidor Atlas.

Summary of Recommendations.

In view of the conditions described above, the Committee on Food Production and Distribution proposes that the following recommendations be made to the Governor:

1. That the State Council of Farms and Markets be requested to bring about a more effective enforcement of the following provisions of existing laws of the State under its jurisdiction:

(a) Section 435, Article 40, Chapter 88, Laws of 1919 — Chapter 40 of the Consolidated Laws — Penal Law, Paragraph 1, which states that the false description or other indication respecting kinds, quality, grade, quantity, number, weight, and measure, is a misdemeanor.

(b) Section 435, Article 40, Chapter 88, Laws of 1919 — Chapter 40 of the Consolidated Laws — Penal Law, Paragraph 4, which governs the question of the sale of "non-Kosher" meat as "Kosher."

2. That Sections 17 and 17c of Article II, of Chapter 25, Laws of 1919 — Chapter 20 of the Consolidated Laws — General Business Law, be so amended that it should be mandatory that the sale of all foodstuffs in containers be made by net weight.

3. That the State Council of Farms and Markets be requested to investigate the question of exploitation of persons buying live poultry at retail by charging for feathers at the same rate as the plucked bird, and issue such regulations regarding allowance for weight of feathers as may be necessary to correct this evil.

4. That the Council of Farms and Markets be requested to consider the need for legislation enabling city and county sealers of weights and measures

to place a placard on the premises of each violator of the Weights and Measures Law, in cases of second or subsequent offenses within a period of two years.

5. That the Weights and Measures Laws be amended by adding a section giving the Department of Farms and Markets power to remove city or county sealers for just cause, in the same manner that the Department of Health has authority to remove local health officials.

THE NEED FOR STANDARD GRADING OF FARM PRODUCTS

General Recommendations.

The Committee on Food Production and Distribution believes that the State Department of Farms and Markets should establish standard grades for farm produce in the form of regulations of that Department, in accordance with the powers granted to the Department of Farms and Markets by the General Business Law, Art. 2a, Sec. 20a, and Farms and Markets Law, Art. 4, Sec. 79, of the State of New York.

Scope of the Present Law.

Under the existing laws of the State of New York there are two provisions giving the Department of Farms and Markets power to adopt rules and regulations regarding standard grades; and two articles of the law itself defining standard grades of certain commodities.

The provisions in question are:

1. Art. 2a, Sec. 20a, paragraph 5 of the General Business Law, which gives the Department of Farms and Markets the "power to make rules and regulations for the grading, packing, handling * * * of all foodstuffs, not contrary to laws to enforce such rules and regulations by actions or proceedings in any court of competent jurisdiction."

2. Art 4, Sec. 79, Rules, paragraph 5 of the Farms and Markets Law, which gives the Commissioner of Public Markets of a city power to make, amend or repeal rules for the "establishment of standards or grades for different classes of market produce, not inconsistent with law or with the rules of the State Department of Agriculture, Food and Markets."

3. Art. 11, Sec. 262, of the Agricultural Law, which defines and formulates standard grades or classes of apples grown in New York State when packed in closed packages, and

4. Art. 11, Sec. 262a, of the Agricultural Law, which defines and formulates standard grades or classes for peaches grown in New York State when packed in closed packages, if marked or handled.

Under the provisions of the first two sections the Department of Farms and Markets has power to issue grading regulations but at the present time has not made any use of this power. This failure to promulgate grading regulations may be explained by the fact that at present, the laws of the State of New York do not make adequate provisions for the proper enforcement of any grading rules issued by the Department of Farms and Markets.

The second two sections establish grades but only the apple grading laws are being generally used. The peach laws being optional, no attention is given them by the producers.

Importance of Grading in Present Methods of Marketing.

In the present methods of marketing practically all farm products are such that they result in surplus rehandling and large amounts of loss and waste. Arrivals of shipments of farm products in the city markets generally are not graded or packed properly. This may be due often to the gross carelessness of the shipper but unfortunately it is often due to dishonesty. The practice of including inferior goods is so prevalent, that neither the consumer nor the middleman has confidence in such products until personally examined.

This improper grading or lack of grading is the cause of many troubles both to the producer, middleman and consumer. The producer not only receives lower prices, but is constantly troubled with court litigations and

also pays transportation for goods not worthy of shipment. The files of the New York Federal Food Board show numerous cases of cars of produce rejected because of the inferior quality of goods. In normal times, such cases are taken to court and result in long litigation.

The mixing of inferior goods also means lower prices for the producer. Prof. R. W. Rees of the New York State College of Agriculture states, in substance, that the price of farm products is regulated by the amount of inferior size goods and inferior quality goods contained in the shipment.*

The middleman also loses by such improper methods. Let shipments of goods that contain large quantities of products of poor quality, mean losses to him which are passed on to the consumers. If a standard 2⅛ bushel barrel of apples cost $3.50 and 20 per cent is found poor, the actual cost to the middleman is at the rate of $4.20 per barrel of sound fruit.

The public loses doubly. The uneconomic means of distributing means higher prices and the shipments of inferior commodities results in the decay of much of the products of superior quality.

Losses and misrepresentation have been so prevalent in the sale of certain farm products that the producers and produce exchanges have formulated grading rules which have raised the average quality of the products and thereby raised the prices. Today there are grades for such commodities as citrus fruits, California apples, pears, peaches, butter, eggs and grains. The majority of farm products, however, are at present subject to no grading rules or regulations.

Actual Results From Uniform Grading.

Where uniform grades have been established a number of advantages have resulted to both the producer and consumer. The most important of these advantages are as follows·

1. *Better prices to the consumer.*

The standardization of grades will bring better returns to the producer because he will receive full value for his highest grade products and he will not suffer the losses due to the mixing of higher quality produce with inferior quality produce. The better organization of the market that is made possible by standard grades results in a steadier demand and more prompt sales.

2. *Lower transportation costs.*

Transportation charges are lowered by the elimination of goods of poor quality for which transportation charges are paid but which bring practically no returns in the markets.

3. *Less handling.*

Less handling is possible for commodities graded to set standards, which can be sold by samples or description, thereby saving much of the time, labor and expense incurred in marketing. Oranges, lemons, butter, grains and other farm products are now so being sold by auction companies and produce exchanges.

4. *Less loss and waste.*

Loss from decay by means of bruises and exposure, because of the presence of inferior or decayed products and because of excessive rehandling, will be reduced.

5. *Less financial and court difficulties.*

Disputes resulting in financial loss and court litigations will be brought to a minimum, because the quality will be a question of fact that can be determined by the government inspection.

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* Report of Committee on Packing and Marketing — Agricultural Bulletin 97. Report of Farmers' Institutes, Year July 1, 1916, to June 30, 1917. New York State Department of Farms and Markets.

6. *Trading basis.*

Use of standard grades makes possible market quotations which may be used as a trading basis and which greatly facilitates the marketing of commodities. It also brings about a better understanding between the buyer and seller, as demonstrated by the produce exchanges and auction companies.

7. *Benefits consumer.*

The consumer will benefit through better quality, steadier supply and ultimately lower average prices. The results of the California fruit growers' regulations illustrated the benefits to the consumer.

Standard Grading by Trade Associations and Producers' Organizations.

Price quotations are generally used to indicate the market value of goods. By this system trading in market commodities is greatly facilitated. For any price quotations to be of common use it is necessary to have uniform grades of the commodities in question. In conjunction with uniform grading standardized uniform containers are of utmost importance. The absolute necessity of having definite grades and standard containers for price determination has been recognized by the auction companies and produce exchanges, and grades have been established for grains, corn, butter, eggs, apples, peaches, and citrous fruits and others.

A number of producers' organizations have themselves determined grades for the commodities handled by their members. An example is the action of the Eastern Shores of Virginia Produce Exchange which standardized its potato grades, and has done so well that wholesalers can order by wire without seeing the goods. The California Fruit Growers' Association has determined grades for apples, pears, berries and other fruits. The Long Island Potato Growers' Association established grades for potatoes. The Monmouth Farmers' Exchange of Monmouth County, N. J., established grades for potatoes, cabbages and other vegetables.

Grades of State and Federal Departments of Agriculture.

The need of standard grading laws is so great that a number of states have established such laws for various fruits and vegetables. At present California, Connecticut, Delaware, New Hampshire, Vermont, Washington and Virginia have compulsory grading laws for apples. Oklahoma has promulgated grades for several crops and Texas has established grades for peaches, pears, Irish potatoes, onions, tomatoes, string beans and cabbage. In addition to the states named, North Carolina and Idaho have authorized their market directors to establish and promulgate grades for fruit and vegetables where this seems advisable.

The United States Department of Agriculture is also endeavoring to assist the producers and consumers by recommending uniform grades for various farm products. These include grading regulations for Irish potatoes, sweet potatoes, onions and strawberries.

Grading in New York State.

The necessity of standardization of grades is so vital that producers' organizations and public bodies investigating food problems have repeatedly urged the promulgation of grading rules. Every improvement in grading tends to bring about more economical methods of sale by sample or description and therefore reduces the cost of marketing and results in less handling, loss and waste. Prof. R. W. Rees, of the New York State College of Agriculture, states that "no matter what our system of marketing is, careful standardization of products will do much towards securing better prices for the producers."* Prof. M. C. Burritt, of the New York State College of Agriculture, in his report as chairman of a Farmers' Committee on Distribution, states that "the standardization of products is one of the most important considerations in good distribution. To meet the compe-

* Report of Committee on Packing and Marketing. Agricultural Bulletin 97. Report of Farmers' Institutes, year July 1, 1916, to June 30, 1917.

tition of other states which send higher graded products to the New York market, the producer must standardize his fruit." *

To assist the New York State farmers in meeting this competition, the State of New York has promulgated two grading laws on apples and peaches. The Apple Grading and Packing Law being compulsory, is doing much to improve the standards as well the returns to the producer." But, due to laxity in enforcement, this law is being violated.

The Peach Grading Law, however, is optional and has apparently been an entire failure through lack of use. Regarding this question, Mr. R. L. Anthony of the New York Agricultural Experiment Station, has recommended that the Peach Grading Law be made compulsory.

Conclusions.

The uneconomic methods of packing, distributing and marketing farm products that now exist in the State of New York can be greatly remedied by the establishment of standard grades. Such grading regulations would not only result in better prices to the producer but would also result in less handling, loss and waste. Such savings would then also mean lower prices of farm products to the consumer.

To remedy such condition and to promote better understanding between the producers, middlemen and consumers, the Committee on Food Production and Distribution makes the following recommendations:

Specific Recommendations.

1. That the Department of Farms and Markets promulgate rules and regulations establishing standard grades for farm products as in accordance with the powers granted the Department of Farms and Markets, Article 2a, Sec. 20a, par. 5, of the General Business Law, and Article 4, Sec. 70, par. 5, of the Farms and Markets Law.
2. That legislation be enacted making contracts for shipments of farm products unenforceable unless the language used describing the product conforms to the designations used by the State Department of Farms and Markets in defining standard grades of such products.
3. That the Department of Farms and Markets take active measures to enforce the present Apple Grading Law as stated in Art. 11, Sec. 262, of the Agricultural Law.
4. That Article 11, Sec. 262a, referring to the grading of peaches, be so amended that the branding or labeling of packages of peaches be made compulsory in the same manner as the similar provision is covered in Sec. 262 of Art. 11 on apple grades and handling.

PUBLIC MARKETS IN UP-STATE CITIES

What is a Public Market?

A municipal public market may be defined as any place or building which is established by the city authorities as a public market and subject to its control where buyer and seller may meet for the transaction of such business as may be permitted by ordinance, rule or law.

Source of Information About Public Markets:

In securing data for this report, questionnaires and form letters were sent to each city having over 15,000 population, there being thirty-seven in the State. Of these thirty-seven, twenty-nine, or 80 per cent, returned these questionnaires, upon which questionnaires the following report is based.

The questions asked of the municipal authorities were formulated to secure the following information:

1. Number of municipal markets existing in the State.
2. Character of these markets, whether wholesale or retail, size, building or open space, location, and patronage by both producer and consumer.

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* Report of Committee on Distribution, Agricultural Bulletin 109. Report Farmers' Institute, year July 1, 1917, to June 30, 1918.

3. Methods of operation, including such details as days and hours open, types of dealers permitted, kinds of produce sold, supervision, charges and revenues.
4. Benefits derived by the consumer.
5. Benefits derived by producer.
6. Effect of such markets upon food prices in retail stores in the city.
7. Extent of work done by the State Department of Farms and Markets in investigating the need and value of such markets.
8. Attitude of municipalities towards State aid for establishments of such markets.

Number of Municipal Markets.

The following is a list of the cities to which the questionnaire was sent. Those starred returned the questionnaire:

*Albany	*Jamestown	Poughkeepsie
*Amsterdam	Kingston	*Plattsburgh
*Auburn	Lockport	*Rochester
*Batavia	*Lackawanna	*Rome
*Buffalo	*Middletown	*Schenectady
*Binghamton	*Mt. Vernon	*Syracuse
Cohoes	*Niagara Falls	Troy
Corning	*Newburgh	*Utica
*Dunkirk	*New Rochelle	Watervliet
*Elmira	*Olean	*Watertown
*Gloversville	*Ogdensburg	*White Plains
*Glens Falls	*Oswego	*Yonkers
Ithaca		

Of these twenty-nine cities which responded to the questionnaires sent out seventeen reported as having active markets. Fourteen of these cities have one, one has two, one three and one four, markets. Twelve cities reported no markets.

Of the municipalities having such markets, three reported as having had previous failures which failures are ascribed to poor locations and consequent lack of patronage.

The cities reporting no markets also report that they never had a municipal market and give the following reasons for not having such markets:

1. Lack of money to build — Watertown.
2. No demand by public and lack of farmers in immediate vicinity — Batavia and White Plains.
3. No need for such markets felt — Yonkers, Amsterdam and Oswego.
4. Semi-public market tried but failed, the city being too near New York City — Mt. Vernon.

Five municipalities failed to give a reason.

Character of Municipal Markets.

Rochester and Schenectady have both wholesale and retail markets, of which the wholesale are by far the most successful. All other municipalities have retail markets.

The size (accommodation) of various markets reported ranged, in the open type, from twenty-six spaces (in two markets, eleven in one and fifteen in the other) in the city of Utica to 400 stalls and 400* spaces in the Elk Street market in the city of Buffalo. The space commonly allotted to a team is about eight feet of frontage. There does not seem to be any similarity in the size of these markets even in cities which have approximately the same population. Markets having buildings did not furnish sufficient descriptive information to permit a trustworthy comparison.

In answer to the question as to whether municipal markets are well

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*A stall is a place where goods are exposed for sale on a stand or table. A space is a place where the producer's team and wagon may stand and the wares sold directly from the latter.

patronized by producers and consumers, all except three cities answered in the affirmative and a few gave approximations in numbers. Auburn reported that the patronage by producers was poor. Schenectady reported that the patronage by housewives was poor. Utica reported that patronage by both producers and consumers was only fair. Buffalo reports from 15,000 to 20,000 consuming patrons and from 900 to 1,100 producing patrons weekly. While apparently a large number (of consumers), this only represents 3 per cent of the total population of the city.

Rochester reported a daily average attendance of from 100 to 1,200 producers and from 400 to 500 consumers;* Middletown, about 100 producers and 200 consumers.

Seven cities report their markets as curb, one as an open city yard, two as open asphalted squares, two as prescribed streets, and four as buildings of various types and conveniences. Rochester has the most elaborate market, consisting of three steel sheds, each fifty-two feet wide, two railroad sidings accommodating twenty cars, a shipping platform, administration building and restaurant. Ogdensburg reported an existing curb market and a $95,000 market building in the process of construction. This building, built with State assistance, is of the most modern type, including a cold storage plant.

In answer to the questions on location, most answers were descriptive as "center or nearby." Distances of markets from main business streets ranged from "on business street" to one and a half miles. The average distance is about one-eighth mile. Distances of markets from homes of bulk of population ranged from center to one mile. The average market is located in the geographic center of the city.

Methods of Operation.

Upstate municipal markets were reported as being open two, three and six days a week. The cities of Rochester, Buffalo, Syracuse, Schenectady, Albany and Ogdensburg, which have the largest and most flourishing markets are open every day, excepting Sundays and holidays. A majority of these markets open at 5 A. M. and close at from 10 A. M. to 2 P. M., depending upon the established custom of the patrons. The early hours permit retailers to purchase in large quantities while the later hours permit consumer purchases and help the producer "clean-up" his load. It may be significant that the three-days-a-week markets are in the smaller cities, and with one exception are of the curb or yard type.

One of the basic arguments in favor of municipal markets is that it brings the producer and consumer into direct contact, thereby eliminating the middleman whose profits are supposedly divided between the producer and consumer. Of the cities reporting, seven stated that professional hucksters or retailers were either absolutely prohibited from trading on the public markets or were not present; four stated that only a few were present as their presence was discouraged but not prohibited; six stated that they had from 5 to 50 per cent of such professionals. In the cities having wholesale markets the purchasers are all middlemen of one type or another.

Vegetables and small fruits are the products most generally sold, especially in the retail markets. Rochester, in its wholesale market, also sells hay and grain. Four cities sell meat.

Those who advocate the establishment of elaborate public markets are apt to overlook the fact that the public is educated today to include in its daily diet many out-of-season articles of fruits and vegetables which the nearby producers, who alone would supply these markets, are not capable of supplying in their capacity of producers. These producers must then either become merchants, exercising forethought and taking the chance of buying at a distance to supply the market throughout the year or else they act to benefit themselves mainly during the season when they have goods for sale during which time they may also benefit the consumer, but only to the degree which competition by the merchants or restrictions placed by

* Primarily a wholesale market.

the market authorities compels. But during this same period they undoubtedly do cut into the volume of business of the merchants, thereby impairing the efficiency and low cost of the service which these merchants could render the public were their sales of more uniform volume.

Necessary to Avoid Duplication of Work.

In other words, there being a certain amount of merchandising to do in the foodstuff lines in any community in a year, the plan which will, under proper treatment, provide the foodstuffs and distribute them to the public at the lowest cost is likely to be that which employs a force for this purpose uniformly and constantly throughout the year, and not one which takes men relatively skilled in one occupation, namely, farming, and at certain periods of the year when they should be most busy at farming abstract them from their business of production and injects them into the business of merchandising with which they are relatively unfamiliar and where they simply duplicate, at that time, an available force necessarily maintained for that purpose. This benefits the consumers little during the season of high local production and burdens them during the remainder of the year with additional costs.

Supervision of Markets.

The reported municipal markets are usually regulated by the common council, or by the person in charge of the market, who may be the sealer of weights and measures, the market master or by the commissioner of public works. Markets in three cities are both regulated and supervised by sealers of weights and measures and in six cities by market masters.

Of those cities which reported supervision of markets by a market master, or his equivalent, ten stated that they paid such persons a salary. These salaries range from $2 (Ogdensburg) to $6.80 (Buffalo) a day. Albany, Elmira, Rochester and Syracuse report deputy market masters at salaries ranging from $780 (Albany) to $1,500 (Rochester) a year. Rochester, Buffalo, Syracuse, Shenectady and Niagara Falls report cleaners, or sweepers, or janitors at salaries ranging from $300 a year in Niagagra Falls to $1,146 a year in Rochester.

Regulation of Markets.

Charges for spaces and stalls in municipal markets are made by 70 per cent of the reporting cities. Those municipalities which make no charge have only curb markets and are not self-sustaining. In those cities which charge the seller for the privilege of selling in these markets, charges are made on a daily, weekly, monthly and seasonal basis. These charges are generally fixed, except in Rochester, where they are auctioned, and range from 15 cents a week in Glens Falls for wagon space in a curb market to $18 a year (31 cents a week) in Buffalo for a running foot for booth space in a covered market. These charges are, with three exceptions, the only sources of income for all the reported markets.

Cost of Markets.

Of the seventeen cities reporting as having municipal markets, nine or 53 per cent, were reported as self-sustaining; five or 29 per cent, as not self-sustaining; two, or 12 per cent, as "not at present" self-sustaining, and one city (Utica) failed to answer this question. Utica is one of the cities that makes no charge for its market space and reported no other income, from which it may logically be supposed that its markets are not self-sustaining. If this assumption is correct, 53 per cent of the reporting cities have self-sustaining markets and 47 per cent non-self-sustaining markets. Buffalo, with four public markets, reports one which is not self-sustaining. Cities having self-sustaining markets show annual profits ranging from $34.75 for Elmira to $12,407.93 for Rochester, which is primarily a wholesale market. Buffalo, with four retail markets, one of which is not self-sustaining, reports an annual income of $97,000, and an expense of $60,000, leaving an apparent profit of $37,000. Of the $60,000 yearly expense, $24,800 goes for personal service and $35,200 for all other items. The markets are

reported to have cost the city of Buffalo $2,000,000. If these markets, therefore, were operated by a private corporation which would be obliged to pay school, county, municipal and water taxes, interest on investment of not less than 5 or 6 per cent and charge off depreciation, they would evidently show a loss.

Benefits Derived by Consumer.

Eighty-one per cent of the cities reporting municipal markets give the following advantages that are derived by the consumer:

1. Direct exchanges between producer and consumer.
2. Large variety of fruits and vegetables at fair prices.
3. Produce is fresher than when purchased from retailers.
4. Produce can be purchased at cheaper prices than at retail stores.
5. Better measure.
6. Are sure of a supply of produce.

Benefits Derived by Producer.

Fifty per cent of the cities reporting municipal markets stressed the following advantages that are derived by the producer:

1. Provides an easy means of contact between producers and a number of buyers, thereby assuring producers of opportuniay to sell large quantities more easily and at better prices.
2. Direct exchange between producer and consumer.
3. Elimination of house to house peddling.

Effect upon Food Prices.

All of the seventeen cities reporting municipal markets answered this question. Seven or about 41 per cent think that municipal market prices are lower than those in retail food stores from 10 to 25 per cent. Twelve, or 59 per cent, are of the opposite opinion. The city of Buffalo made a comparison of the prices existing in Buffalo with those in cities which do not have municipal markets and found that Buffalo has cheaper prices, good quality and a large variety. Ogdensburg finds its price differences most marked in meat and milk. Jamestown states that its market prevented a rise in price through combinations of other food dealers. Auburn and Binghamton both find that the producer endeavors to get just as much as possible from the consumer, with the result that the latter reaps no benefit from patronizing the municipal market.

Attitude of Municipalities Toward State Aid for Markets.

More than 90 per cent of those cities which have reported as having municipal markets, state that they are familiar with the provisions of the Farms and Markets Law which pertain to municipal markets.* Two of these cities reported the visit of an agent of the Department of Farms and Markets, who made a survey of the city for possible municipal market locations. Five other of these cities reported as having taken advantage of these provisions, but three do not specify to what degree. Two stated that they were unfamiliar with the provisions of the law and have not taken advantage of them.

As previously stated only five of the fifteen cities that have municipal markets and are acquainted with the law in this regard have requested and received State aid.

Municipal Markets in Other States.

Practically every State in the Union has one or more cities which have some form of municipal market. In a bulletin entitled "Public Markets in the United States," there are listed 67 cities in 27 States as having some form of municipal markets.† Of these 67 cities, 56 have the curb open-type market. Boston has spent the greatest sum, $5,161,600, for a per capita expenditure of $7.70. Buffalo is second with $2,000,000, or a per capita expendtiure of $4.72, while the other cities are all less than $2 per capita.

*Art. 4. Farms and Markets Law.

†Published by the National Municipal League, Philadelphia, 1917.

This bulletin mentions only the larger cities and does not even estimate the total number of municipal markets which exist in the United States.

The State of Massachusetts in 1915 passed a law authorizing cities and towns of over 10,000 population "to maintain public markets with buildings, and requiring cities and towns which did not do this to set aside squares or streets for use as public markets." A report in 1918 states that since the passage of this law twenty-three cities and towns had designated market sites which were approved but not utilized. There were in 1918 twenty-six cities of over 10,000 population with active public markets, and fifteen public markets in fifteen towns with less than 10,000 population.*

Individual markets throughout the United States can be cited practically without limit, but no publication other than the one concerning the State of Massachusetts has been found which condenses the activity or development of this movement in an entire State.

Conclusions and Recommendations.

The information summarized above does not constitute conclusive evidence that public markets in New York State have accomplished what they are popularly supposed to accomplish. It is questionable whether all the taxpayers should be forced to pay for something which benefits only a comparatively small proportion of the total population and which discriminates against a certain class of the population, the food dealer. With the exception of the city of Buffalo, there is no proof that the consumer in any measure benefits in price reduction in the municipal market. On the other hand, almost 60 per cent of the answers indicated that there were no appreciable differences in price between those in the municipal markets and in the city retail stores. From this might be deduced that practically the only beneficiaries of municipal markets are the farmers, hucksters and market retailers, who do not pay any of the burden which the city incurs in maintaining such markets. The mere shifting of market cost from the selling price of the product to taxes on the whole community does not necessarily make it any less, though it may distribute it differently.

The municipal retail market has an important function, however. When properly and efficiently managed it may become a great asset to the community. It is to be pointed out, however, that many of the buying practices which cost the consumer heavily and furnish him only such minor conveniences as he would willingly forego at these times are the results of competition and cannot without loss be departed from by any single competitive merchant. A municipal retail market whose books and methods of doing business are open to the public and which is conducted on a plane of high efficiency and at moderate profits can furnish both a criterion of prices by which the consumer can establish his own price ideals and a recourse to which the public can always go in case their own merchants persist in a too great inefficiency of merchandizing or in too exalted ideas of net profits.

Conducted in this way, the municipal market would not attempt to replace all or any large part of the marketing system of a community which would in itself be an enormous undertaking, but it would furnish a measure of control which is very valuable. It could only do this, however, if the goods were sold at such figures as to return to the market the original cost of the goods plus all charges and loss incurred in getting them into the market plus a fair competitive price for all services rendered of every sort, rents, interest on money invested, depreciation plus a fair but moderate profit.

In other words, this municipal market puts itself in precisely the same position that the private merchant does, and establishes a standard of prices by maintaining a high standard of efficiency and distribution and a moderate scale of profits. If it does not do these things the prices which it establishes are purely fictitious and nothing but distance, lack of supplies, or other impediments put into the way of the purchasing public, keeps the market with such fictitious prices from having to supply the whole consuming public, and therefore, from speedily incurring a heavy deficit.

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* Circular No. 84, State Board of Agr. Commonwealth of Massachusetts, 1918.

Unless the market be operated on such a basis it better be of the simplest type, involving no building or maintenance expense, such as the curb market or the public square, with possibly some cheap form of sun cover. If well situated this simple type of market may be of much value in bringing certain classes of consumers into contact with producers.

Wherever elaborate public market buildings, such as the one at Ogdensburg, may be built with State aid, the State Department of Farms and Markets should have a certain amount of supervision over them, sufficient to assure their operation on a practical basis for the service of the public and not for the benefit of a few dealers or a few farmers.

Summary of Recommendations

As a result of its investigations, conferences and hearings the Committee on Food Production and Distribution makes the following recommendations as specified in the foregoing report:

I. Food Distribution.

The Committee on Food Production and Distribution recommends that the State Department of Farms and Markets, the permanent department having to do with food distribution, be given greater powers than it now has for the prevention of waste and the elimination of malpractice in the distribution of perishable foodstuffs. It is not, however, desirable that the statute books be encumbered with detailed provisions regarding technical food distribution matters. The great merit of the war-time control over food distribution was its flexibility to changing conditions and its directness in handling matters usually encumbered with legal formality. This flexibility and directness can be accomplished only through the basic power of license control. It is therefore recommended that authority be given the Department of Farms and Markets to license all wholesale dealers in food commodities and feedstuffs. It is also recommended that the State Council of Farms and Markets be given power, after public hearings, to issue regulation which when formally enacted and published will have the effect of law for the regulation of clearly defined abuses and wasteful or uneconomical practices.

II. Standard Grades.

To remedy present conditions and to promote better understanding between the producers, middlemen and consumers, the Committee on Food Production and Distribution makes the following recommendations:

Specific Recommendations.

1. That the Department of Farms and Markets promulgate rules and regulations establishing standard grades for farm products as in accordance with the powers granted the Department of Farms and Markets, Article 2a, Sec. 20a, par. 5, of the General Business Law, and Article 4, Sec. 70, par. 5, of the Farms and Markets Law.
2. That legislation be enacted making contracts for shipments of farm products unenforceable unless the language used describing the product conforms to the designations used by the State Department of Farms and Markets in defining standard grades of such products.
3. That the Department of Farms and Markets take active measures to enforce the present Apple Grading Law as stated in Article 11, Sec. 262, of the Agricultural Law.
4. That Article 11, Sec. 262a, referring to the grading of peaches, be so amended that the branding or labeling of packages of peaches be made compulsory in the same manner as the similar provision is covered in Sec. 262 of Article 11 on apple grades and handling.

III. Food Laws.

It it the conclusion of the Reconstruction Commission that for the sake of efficiency in the administration of the food laws of the State, for the sake of relieving persons and firms subject to those laws from the uncertainty and confusion of the present condition, and for the protection of the public, the existing laws should be codified into one law, duplications eliminated and phraseology corrected. Also the existing laws should be strength-

ened by more definite grant of authority to the Farms and Markets Council to issue rules and regulations having the effect of law by granting this Council power to place all wholesale dealers in farm products under license, and by the various other amendments and additions proposed in following sections of this report.

The proper agency to prepare such a codification and revision of the food laws is the Council of Farms and Markets with the aid of the Council and other officials of this department. It is, therefore, recommended that a complete recodification and revision of the food laws of the State be prepared under the supervision of the Council of Farms and Markets and passed by the next Legislature.

IV. Egg Trade.

It is recommended that the Legislature of New York State join with other States in enacting the proposed Uniform Good Egg Law and the proposed Uniform Egg Breaking Establishment Law, placing the administration of the Uniform Good Egg Law in the hands of the Department of Farms and Markets, and the administration of the Uniform Egg Breaking Establishment Law in the hands of the local health authorities.

THE NEED FOR AMENDING THE PRESENT COLD STORAGE LAW

General Statement of Recommendations

The Reconstruction Commission recommends that the Legislature amend various sections of the New York State Cold Storage Law. To this end it endorses the recommendations of the Department of Farms and Markets which if carried into effect would obviate many of the faults of the present cold storage situation.*

V. Weights and Measures

In view of the conditions described above, the Committee on Food Production and Distribution recommends:

1. That the State Council of Farms and Markets be requested to bring about a more effective enforcement of the following provisions of existing laws of the State under its jurisdiction:

(a) Section 435, Article 40, Chapter 88, Laws of 1919 — Chapter 40 of the Consolidated Laws — Penal Law, Paragraph 1, which states that the false description or other indication respecting kinds, quality, grade, quantity, number, weight, and measure, is a misdemeanor.

(b) Section 435, Article 40, Chapter 88, Laws of 1919 — Chapter 40 of the Consolidated Laws — Penal Law, Paragraph 4, which governs the question of the sale of "non-Kosher" meat as "Kosher."

2. That Sections 17 and 17c of Article 11, of Chapter 25, Laws of 1919 — Chapter 20 of the Consolidated Laws — General Business Law, be so amended that it should be mandatory that the sale of all foodstuffs in containers be made by net-weight.

3. That the State Council of Farms and Markets be requested to investigate the question of exploitation of persons buying live poultry at retail by charging for feathers at the same rate as the plucked bird, and issue such regulations regarding allowance for weight of feathers as may be necessary to correct this evil.

4. That the Council of Farms and Markets be requested to consider the need for legislation enabling city and county sealers of weights and measures to place a placard on the premises of each violator of the Weights and Measures Law, in cases of second or subsequent offense within a period of two years.

5. That the Weights and Measures Law be amended by adding a section giving the Department of Farms and Markets power to remove city or county sealers for just cause in the same manner that the Department of Health has authority to remove local health officials.

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* Monthly Bulletin of the Division of Foods and Markets. Vol. 1, No. 8, April, 1919.

VI. Public Markets.

The recommendations of the committee may be summarized as follows:

1. That elaborate public market buildings be erected only when it is the purpose to operate them on a strictly self-sustaining, business-efficiency basis, as a means of steadying market prices and preventing abuses in private trade.

2. That smaller cities establish inexpensive curb or open-type markets in preference to elaborate buildings.

3. That the State give aid to the building of public markets in municipalities only on condition that the State Department of Farms and Markets have a sufficient measure of control over the methods of operation of the market to enable it to prevent such a market being run in the interests of any group rather than the general public.

4. That the State Department of Farms and Markets work out standard accounting methods and schedules of costs for the use of public markets.

5. That the State Department of Farms and Markets make an intensive study of the existing municipal markets in the State with the object of reconstructing them along economical lines and demonstrating to the municipal authorities the real costs of maintenance and operation.

MILK

In studying food production and distribution as part of a reconstruction program, the Commission has touched all phases of this complicated service. Milk has been the longest-studied but last to be considered of this group of problems. The Commission, mindful of the new experience in food administration resulting from the war has attempted to study the phases of the situation as exemplified under war conditions and to hold for permanent use in the State that which best has proved its usefulness. Food production and distribution has to be considered as a many-sided problem, and milk is only one phase that must be considered partly in its relation to food as a whole and not out of proportion to its merits. The public is too much inclined to consider milk as detached from all other food interests, not realizing that some vital remedies applied to milk problems, are inter-related with and dependent on other problems of distribution. Thus terminal facilities of the great cities especially New York have a direct and important bearing on milk distribution. Much of the supply must now be carried on wagons across ferries, for long distances, thus involving costs of labor and upkeep that necessarily in their turn involve high costs.

Thus the program of the Reconstruction Commission in relation to food should be considered as a whole and such other portions of it as have general bearing on all food problems should be applied when considering milk.

Bearing in mind Federal food control experience, the Commission sought light on milk in that direction. Reviewing all previous inquiries and investigations concerning milk, that of the Federal Milk Commission seemed more nearly related to the present situation in point of time and conditions of the inquiry and the Reconstruction Commission has made full use of the information and conclusions reached by that body and the other investigating groups.

Nearly all of these, and notably the Federal Food Commission have reached the general conclusion that milk, being the one essential food, and vital to life is of such importance to the health of the community that it should be subject to regulation as a public utility. The Reconstruction Commission concurs in this belief and has carefully studied other recommendations made by investigating bodies. The Commission has not made original investigations but has held conferences with various food interests and with representatives of the different phases of the milk industry. It is of the opinion that no more investigations of a general character are needed until constructive action is taken to utilize the best thought that has been developed by the studies already made.

While all show greater or less opposition to regulation, all, on the other hand, agree that some form of public responsibility for conditions in this industry is desirable for the restoration of public confidence and also in order to bring about lawfully with public assent and co-operation changes that

would seem to be beneficial but that are also apparently unlawful under present conditions.

The vital relation which the supply and cost of milk has to the health of the people, particularly of children, has been the cause of many public investigations in recent years. The most important of these are as follows:

1916: New York State Joint Legislative Committee on Dairy Products, Live Stock and Poultry, Charles W. Wicks, Chairman.

This Legislative Committee held hearings in forty-seven localities in the State, making special inquiry as to the milk situation. The findings containing most valuable information were published by the State in January, 1917, in a volume containing nearly 900 pages. This was the most extensive study that had ever been made up to that time on the problem of milk production and distribution. The greatest attention was given to production because of the threatened decrease in milk production in this State as indicated by the decrease in the population of dairy cows.

1917: Joint Reports on Foods and Markets, Governor Whitman's Market Commission, Mayor Mitchel's Food Supply Committee, Wicks' Legislative Committee.

This report is a very brief summary of conditions arrived at by these three public bodies and includes certain recommendations in reference to milk.

1917: Report of Governor's Tri-State Milk Commission (Appointed by Pennsylvania, Maryland and Delaware). C. L. King, Chairman.

This report although not covering New York State, contains much of interest to New York State because of the similar conditions and because of the constructive recommendations made.

1917: Mayor Mitchel's Milk Committee, Dr. Charles North, Chairman.

Appointed by Mayor Mitchel in October to investigate and report on justification of the then increased prices of milk from 9 cents to 14 cents per quart within one year and on the advisability of the establishment of municipal milk depots. The Committee held numerous hearings of producers and distributors, consumers, agricultural and food experts and made special investigations.

1918: Federal Milk Commission, Dr. W. N. Jordan, Chairman.

Appointed by Mr. Hoover to fix milk prices for New York City and the zone supplying New York City. Conducted extensive public hearings and examined documents and evidence placed before it by distributors and producers. Served as a medium of establishing milk prices from January, 1918, to December, 1918. Voluminous reports of hearings in typewritten form have never been summarized or printed. Recommendations for public control and reorganization of milk distribution sent to Governor Whitman during the 1918 session of the Legislature but no action resulted.

1919: A study of the New York City Milk Problem, by Irwin G. Jennings, published by the National Civic Federation.

A discussion of constructive proposals for improving the conditions of milk distribution and production in the New York City zone.

1919: Report of the investigation of the State Council of Farms and Markets of the cost of production and the Distribution of Milk of New York State submitted to the Legislature, April 18, 1919.

This report is the result of the extended inquiry of the cost of production and distribution in various parts of New York State made by a committee of members of the State Council of Farms and Markets. It contains some particularly valuable information in reference to the cost of distribution in up-state cities. It has not been published and is available only in typewritten form.

Since this report was made, other investigations have been carried on, to a great extent covering the same ground, only adducing more recent figures.

Causes of Higher Prices.

Higher prices for milk have in general been due to the same causes as higher prices of other food commodities during the war. In the first place, practically all the factors in the cost of production have greatly increased. In the second place, costs of distribution have increased. As to whether the prices the consumer has been asked to pay are greater than the sum of these actual increases is something which can be determined only by the most thorough accounting study, and full analysis of the facts. No evidence has yet been presented to the public that proves the milk industry as a whole to be guilty of profiteering, if profiteering is to be interpreted as taking advantage of abnormal conditions to exploit the public for higher profits than a reasonable return on investment.

There is a general feeling on the part of the public that the rising prices have not been adequately explained and justified. This has led to great discontent and dissatisfaction.

In addition to the natural increases in costs, the dairy farmers point to the possibility of reduction in dairy herds because of their claim that the net profits are small. This caused the Food Administration to take the position that the farmer should not only get what it costs him to produce his milk, but for the public interest, should get sufficient compensation for his labor and investment to encourage him to increase his producing capacity.

There is not space in this report to go into the entire question of the cost of producing milk. A large amount of data on this subject was presented in the report of the former Wicks Legislative Committee, in a report of the Mayor's Committee on Milk, and the most recent practical study on this subject was that made by the New York State Council of Farms and Markets, which resulted in the conclusion on the part of the Council that the price asked by the Dairymen's League on the basis of the Warren Formula in the first three months of 1919, represented the bare cost of producing the milk plus a small, fair margin of compensation for the services of the dairy farmer himself. The studies of the Council of Farms and Markets were based upon the examination of cost on thirty average dairy farms. The present system of determining prices to the consumer, however, is not based upon cost, but rather upon the market value of butter and cheese. This method was brought about as a result of a so-called "milk strike" in January, 1919. Because of price disagreements between producers and distributors, the producers declined to supply milk for the New York market. Governor Smith appointed a commission consisting of representatives of producers, distributors and the public, and the plan of basing on butter and cheese prices, milk prices to be paid to the producers, was agreed upon. This is, after all, a speculative basis, and, while more satisfactory to the farmers, particularly in so far as it results in their getting higher prices for their milk, is so much to the interest of the consuming public.

Costs of distribution include a great many factors which are not generally thought of by the public as being a part of the distribution. That is, the distributing company handles the milk from the time it reaches the shipping station or the pasteurization plant in the country till it is delivered at the consumer's door. The distributor pays for transportation, pasteurization, bottling, delivery and other process involved in bringing the milk from the farm to the city consumer.

Furthermore, the distributors, by their contracts with the Dairymen's League, are required to take all the milk the farmers bring to them, regardless of the amount of surplus there may be in the flush season. This surplus must be disposed of usually at a loss, that is, it is made up into butter and cheese which cannot be sold for a high enough price to pay for the cost of the fluid milk, produced in this part of the country. The distributors claim that the disposal of this surplus is a source of very great loss to them annually, which loss must be covered in the prices to the consumer in other months. In fairness to the distributors it should be mentioned that this year they have had considerably increased cost for ice in view of the fact that no natural ice was put up last winter in the upstate regions where the milk came from, and it was necessary for them to send artificial ice from New York City and other places to be used in refrigerating the cars in which the milk is shipped to the city. The distributors have also had to pay their organized employees higher wage scales.

The New York Milk Conference Board has prepared a very informing statement of the reasons for the higher prices of milk at this time and no doubt the Dairymen's League would be able to present evidence showing a good basis for higher prices to the producers. While this data might be enough to convince a fair minded person that neither producers nor distributors are highway robbers in the way in which some public statements make them out to be, nevertheless, the public has ground for suspicion and impatience, when high prices are imposed in the distribution of milk, without its knowing not only the general causes for the rise in prices, but the actual facts as to what the increased costs are and what the profits of the large individual milk distributing agencies are. Composite figures as to the general cost of distributing for the city cannot satisfy this demand of the public for information as to the operation of this public industry.

All agricultural educational agencies have for years advocated the use of a simple accounting system for the farm. Their efforts have been partially successful, especially with the higher type farmer. One of the great drawbacks of establishing agriculture as a business has been the lack of appreciation by the farmer of the value of accurate accounting. This applies to dairying as much as to any other form of farming. Every well organized business finds a necessity for a form of accounting which will show the relation between the cost of the article produced and the price received. An analysis of a proper accounting system would bring to the attention of the farmer certain correctible inefficiencies so that in a comparatively short time he could graduate from a marginal to a supermarginal producer.

There are in New York City four or five large distributors who handle a considerable quantity of the total milk consumption of New York City. These companies cannot under the Donnelly law amalgamate their interests in such a manner as to give them a monopolistic control over the milk distribution of New York City, and so permit them to effect those economies which are possible with the removal of much of the present costly competition.

The past two years have shown a tendency toward centralization with the resulting curtailment of the prominent duplication. This has been particularly true of the distributors of New York City. The value of centralization is recognized and what is needed to carry it to its ultimate conclusion is a freeing of distributors from hampering legislation.

The expediency of permitting such combinations is, of course, a debatable point. The consumer is justified in raising the question as to what assurance either he or the producer may have that when economies are effected by combinations they will be reflected in the price of milk. Unregulated combination is, without question, a menace, whereas were the conduct of this business subject to governmental control the consuming public would be benefited by any reduction in operative costs that would net the distributing companies any amount in excess of a reasonable net profit on the money invested.

Consensus of Opinion that Milk Distribution Should be Treated as Public Utility.

Practically all the public investigating bodies that have studied the milk situation have come to the same conclusion, namely, that the milk distributing industry will have to be treated as a public utility before the protection of the public interest can be guaranteed. It is interesting to know that from whatever angle the problem may be approached, if it is treated as a public problem, the resulting conclusions seem to be the same.

The joint report on foods and markets which summarize the recommendations of the Wicks Legislative Committee of 1916, Governor Whitman's Market Commission and Mayor Mitchel's Food Supply Committee contains the following:

> *"We believe that the milk industry at the present moment needs to be handled through co-operative effort. Some time ago, conditions reached a point on the farms where the milk producers felt compelled to co-operate. They are doing this in almost open defiance of the Donnelly Act.*
>
> *"We believe they should be allowed to co-operate, but under State supervision and control, with their plan of operation made known to the public through the fullest publicity furnished by the State Board.*
>
> "In the city the waste in the delivery of milk through duplication of

service and unnecessary expense is very great. If co-operation on the part of the distributors were allowed and, in turn, co-operation between producers and distributors permitted, unquestionably a very large saving could be effected. In the city this can be done by a zone system of delivery that would cut down the delivery cost.

"To-day in some large apartment buildings in New York City the janitor or someone else sells the privilege to deliver milk to the tenants. This is a form of graft that imposes on both the merchant and consumer. It would automatically disappear if there were but one organization for the delivery of milk."

The report of the Wicks Committee states:

"*It is safe to assert that the consumer in the City of New York pays several millions of dollars annually for the privilege of having all the numerous purveyors of this necessity of life engaged in attempts to serve him. A milk supply is as much a daily necessity and even more so than gas or electricity.*

"It certainly seems as if the dairymen of the State and the distributors with their invested capital, and the consumer, should co-operate to the end that these unnecessary competitive wastes be eliminated and the dairymen's milk brought to the consumer at the lowest possible expense.

"*The investigations of the Committee lead to the conclusion that under the present competitive system it takes almost as many men to bring the dairymen's milk to the consumer as there are dairymen engaged in the production of milk with all their employees.* This is the result of the purely competitive basis upon which the business is handled. Three or four milk stations are being maintained with a separate force of employees to collect or receive the dairymen's milk at many points where one well-equipped station with a competent force *could do all the collecting at one-fifth the present expense. This unnecessary duplication of service follows* with all its attendant overhead and capital investment from the country milk station until the bottle of milk is finally deposited at the consumer's door. A large part of this, in the judgment of this Committee, could and should be eliminated. The only solution possible is to limit and leave only those in the field which the service actually requires. This is just as obvious in the case of milk as it is in gas or any other daily necessity supplied in small quantity to the consumer."

The Mayor's Milk Committee report published in December, 1917, contains the following:

"1. Milk is the most valuable of human foods even at present prices.

"2. The cost of production can be reduced by:

"a. Eliminating low producing cows.

"b. Collective hauling of milk.

"c. Collective buying of grain.

"3. *The cost of distribution can be reduced by abolishing competition and duplication through centralizing the distributing system into a single company or public service corporation.*"

The Federal Milk Commission in a statement transmitted to former Governor Whitman stated that it was impressed by the needless, wasteful and expensive system of distributing milk in New York City and appointed a committee to report recommendations that might serve as a basis for such readjustments and regulations of the milk distributing business as would cheapen the cost of milk to the consumer.

Plan Proposed by Reconstruction Commission

The Reconstruction Commission finds itself in general accord with the conclusions and recommendations of the former Federal Milk Commission.

The recommendations of the Reconstruction Commission are, therefore, as follows:

1. That a regulatory body be created to regulate and control the milk distributing business in cities of the first and second class.

2. That it consist of members especially qualified by training and experience to deal with the technical problems of administration of the milk industry.

3. That legislation be enacted similar to the section of the original bill introduced in the Legislature of 1917 by the Wicks Legislative Committee, which authorized the formation of trade associations and consolidation of food businesses, subject to certain public control and which was stricken out of the bill before its passage, and that this legislation make possible the consolidation of the milk distributing business in any city subject to the same control as are other public utilities at the present time.

4. That all dealers in any cities of the first and second class be required to secure a license from the proposed regulatory body and that such body be authorized to refuse a license to any dealer who cannot establish proof that the business he proposes to conduct is in the public interest.

5. That the provisions of the present Agricultural Law relative to the licensing and bonding of persons or firms operating milk gathering stations, be amended, if necessary, to avoid conflict with the proposed new legislation.

6. That the proposed body be given full power to regulate the rates which shall be charged in the sale of milk for the service rendered by the distributing agencies and to limit the profits of such agencies to what it may deem to be a fair and reasonable net return on the investment.

7. That the proposed body be given full authority to require the installation of uniform cost accounting systems by all milk distributing agencies in first and second class cities and to inspect and audit such accounts at any time.

8. That it be given the power to regulate the methods of handling all milk; that it be its duty to recommend to the milk distributing system of any city whatever measures are necessary to accomplish economies, mechanical or otherwise.

9. That it aid and assist all municipalities desiring to establish municipally owned stations for the distribution of milk and act as an advisory board and be in position to recommend the most effective methods to be used in establishing municipal distribution of milk, including the acquisition of privately owned distributing systems.

10. That all the municipalities of the State be authorized to acquire and operate milk distributing systems within their boundaries when such acquisition and operation is approved by this regulatory authority.

11. That it be given authority to apportion territory for distribution upon application from competing distributing companies when such apportionment would result in greater economy in the cost of distribution.

12. That the proposed body promote co-operation between the producing and distributing elements of the milk industry; that it make from time to time investigations of the cost of producing milk, and publish for the information of the public data as to volume and cost of production in this State; that is conduct educational campaigns for promoting the wider use of milk as food, and co-operate with municipal health departments and other agencies in making special studies of the need for a greater use of milk in the feeding of children.

13. That the proposed regulatory authority be empowered to revoke a dealer's license for due cause, after public hearing and proper notice in writing.

14. That other municipalities in addition to cities of the first and second class may, by formal action of the governing body of the municipality, place themselves under the jurisdiction of this regulatory authority.

15. That an office be maintained in each of the cities under its jurisdiction at which complaints as to milk service may be received from the consumers and investigated, and that it held public hearings from time to time at which consumers, distributers and producers may be heard in regard to any matters of complaint.

16. That it be empowered to employ auditors and accountants, an engineering staff and such additional help as may be found necessary to carry out the functions above mentioned.

17. That only men be selected for membership on the body who are exceptionally qualified to deal with the extremely difficult problems of establishing this form of government control.

Investigation of Management and Affairs of Bedford Reformatory

Transmitting Report of John S. Kennedy, Commissioner

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 8, 1920.

To the Legislature:

During the month of November of last year my attention was called to certain conditions obtaining at the Reformatory for Women at Bedford Hills, N. Y. Testimony adduced during the trial of a former inmate in the County Court of Westchester county developed the fact that practices were indulged in by way of discipline that should not be permitted in any institution in this State. The handcuffing of women and the so-called " water cure " cannot be tolerated in the light of advanced thought. Women are sent to Bedford to be benefited by training and by education. We hope to show them the better side of life. We hope to have them realize that the pathway of virtue and righteousness leads to a reward in this world, as well as in the eternity to come. While discipline must be maintained in all institutions it must be done by methods that do not tend to degrade, and in this enlightened age punishment of inmates of State institutions by the harsh and cruel methods of the dark ages cannot be tolerated.

Following the disclosures above spoken of I requested John S. Kennedy, president of the State Commission of Prisons, to make a thorough investigation of the management and affairs of Bedford Reformatory. I am sending to your Honorable Bodies with this message a copy of his report to me. The suggestions therein contained with regard to administration I will attend to and I ask your earnest consideration of the suggestions requiring legislation to the end that the general tone and management of this reformatory be lifted to a higher plane, so that it may accomplish for the State what was intended at the time of its foundation.

(Signed) ALFRED E. SMITH.

REPORT

To the Governor of the State of New York:

Pursuant to your verbal direction given on November 18, 1919, to investigate allegations of cruelty to prisoners in the New York State Reformatory for Women at Bedford Hills, I proceeded there on November 19th and, with the proper authority from the State Commission of Prisons, opened a public inquiry and submit the following report:

No formal charges were presented in this matter and there was before your Commissioner only the widely circulated statements printed in the public press and the testimony produced during the trial of a former inmate, in the Westchester County Court, during November, 1919, as to punishments inflicted by reformatory officials.

Eight public hearings, were held on the following dates: November 19, 22 and 30, December 6, 12, 13 and 20, 1919, and January 3, 1920.

The appearances at the hearings were William G. Barrett, President, Daniel P. Hays, George B. Robinson and Reverend James B. Kelly, of the Board of Managers. Dr. Pearce Bailey, a member of the Board, was ill and did not attend, and there were two vacancies in the Board caused by the resignations of Mrs. Katherine Marquand and Mrs. Edith C. Macy. Humphrey J. Lynch, attorney for the former inmate whose trial brought out the testimony which precipitated the inquiry, appeared for Edwin Pathan, Lewis Miller, O. W. Green, Daniel J. Smith, Mrs. Gamung, Mrs. Lent and Paul Loizeau, of Katonah, N. Y., Bernard M. Wood of New York City, A. Franklin Hanson of Rye, N. Y., and George H. Bliss of White Plains, N. Y. Miss Mary Vida Clark represented a committee of seven from the following women's organizations of New York City: Women's Department National Civic Federation; Jewish Big Sisters; Committee on Courts of Women's City Club; Bureau of Social Hygiene; New York Protective and Probation Association; General Committee for Friendly Aid to Jewish Girls; Women's Prison Association; Catholic Big Sisters; Protestant Big Sisters; Women's Municipal League; Church Mission of Help; National League for Women's Service; Y. W. C. A.; Colored Y. W. C. A. and the Salvation Army.

Ample opportunity was given to any one having information pertaining to conditions at the reformatory to be heard and present their evidence. The ordinary rules of legal procedure were not adhered to as the purpose of the hearings was to ascertain the facts in the quickest possible manner. Hearsay evidence, however, was not considered and all witnesses were sworn.

There were 43 witnesses examined and 609 pages of testimony taken, in addition to the filing of a number of letters and statements in evidence.

A statement from the Board of Managers was requested at the close of the hearings but each member elected to submit a separate statement, the first being received on February 11th, and the last on February 28, 1920. Copies of the statements are attached hereto and made a part of this record.

In addition, your Commissioner examined reports of inspection of the State Commission of Prisons and the State Board of Charities and correspondence is carried on between the Commissions and the Board of Managers and Superintendent of the Reformatory, certain minutes of the meetings of the Board of Managers and other available documentary evidence.

Out of a maze of conflicting testimony taken from present and past officials of the institution, present and ex-employees, and present and ex-inmates, I have come to the conclusion that certain punishments have been inflicted which were cruel and unusual and had no justification under the necessities of the situation as developed.

It was proven to my satisfaction that young women, many of them admitted to be psychopaths, who had transgressed the rules or who, under a state of excitement, were found difficult to control, were handcuffed with their hands behind their backs and fastened to the cell grating by another pair of handcuffs attached to those on their wrists so that, in some cases, their toes, or the balls of the feet, only touched the floor; and, while thus suspended, their faces were dipped into pails of water until subdued.

Testimony was also produced to the effect that prisoners were, while in the position just described, lifted completely off their feet and suspended for various periods of time. After submitting this testimony to prison and other high-class physicians, who agree that this could not be done without serious injury to the person, and no evidence of such injuries being produced, I am of the opinion that punishments of this kind have not been imposed.

There were other punishments of less severity but, in my opinion, unwise and unnecessary, which will be discussed hereafter in this report.

The major punishments described above have been in use for about three years and up to a short period before this inquiry commenced.

There does not seem to have been any violation of law in the punishments which have been inflicted as an examination fails to disclose any statute which covers such acts.

By action of the Board of Managers taken on December 12, 1919, during the progress of the investigation, the so-called "stringing-up" "water treatment" and handcuffing in cells were ordered discontinued and should be—FOREVER.

In discussing the situation at this reformatory, it should be understood that the problems here are the most difficult of any correctional or penal institution in the State.

Opened in 1901 as a reformatory for the confinement of females convicted of certain crimes, from the 1st, 2d, 3d and 9th judicial districts, "who were not insane and not mentally or physically incapable of being substantially benefited by the discipline of the institution," the institution, while serving in a very limited degree its original purpose, is in the main not a reformatory at all.

At the outset, it is presumed that the population was largely of first offenders but the beneficient operation of the suspended sentence, probation laws and various social and religious movements have picked up from the courts a very large proportion of the accidental and even intentional first offenders. Young women are only sent to Bedford when there are prevalent conditions which make it evident to the magistrate that the girls could not be helped by probation and that they require instutional treatment.

During the past year, of 167 committed to the institution, 100 had from one to five arrests, and one had fourteen previous arrests.

What the institution has to deal with is a heterogeneous population largely drawn from the lowest strata of New York City life; 75 per cent. of the women being prostitutes and 70 per cent. of those suffering from venereal diseases. With the law recognizing no distinction between the normal and mentally enfeebled, we find here 60 per cent. of various types of feeble-minded with between 25 and 30 per cent. distinctly low grade who should never have been sent to a reformatory institution for a definite sentence but should have been committed to a custodial institution for an indefinite time, not to be returned to society until competent medical authority decided they could safely do so.

It is admitted by the management that at least 10 per cent. of the population are psychopathic cases, to whom is due the major part of the disturbances and trouble in the institution, for whom the State has made no provision for needed therapeutic treatment and whose handling by the management has, in a large measure, brought about the present situation at the reformatory. Then there are the undiscovered epileptics, quantities unknown, who, when not understood, are unwittingly the source of much trouble. There are undoubtedly some inmates, of a fairly normal type, who are trouble makers and who can only be located by examination. These constitute a problem that must be dealt with on its merits. Probably most serious of all the commitments are the supposedly incorrigible girls sent here by the courts after they have been found impossible to control in the private correctional institutions of New York City.

Made up in an extreme degree of all the unfortunate types mentioned above, the futility of sending such prisoners to a reformatory institution, as at present constituted, needs no argument. Twenty-eight of such cases were received during the year.

With the prisoners of the various types of mentally and physically ill in our correctional and penal institutions, and the necessity for specialized treatment no longer a theory but a generally accepted fact, the State, here, as in other institutions, has not recognized the fact by appropriating funds to segregate these groups and give proper care and treatment to them and cannot escape a large share of the responsibility for conditions such as have been developed at Bedford. The present plant equipment and staff is set up on the assumption that the institution is dealing with a normal reformatory population. Another hindrance to proper management for which the State must take responsibility is the miserably underpaid subordinate employees here, as elsewhere in State institutions, which, in these times, spells restlessness, incompetency, lack of interest and vacancies.

With such a situation as described, calling for the undivided attention of the most capable superintendency, the institution has been handicapped during the administration of the present superintendent by internal differences, described by the president of the Board of Managers as follows:

> "The members of the Board of Managers have not always been in harmony. They have not always agreed on policy or in other ways. At times there has been lack of co-operation between them and the Superintendent. There have been a member of officers of the institution who were there when Miss Cobb came and probably have technically supported her but have not worked with her fully and completely."

Further indicating lack of harmony on the board in the past Mr. Robinson says:

> "I take exception to Mr. Barrett's reference to lack of cooperation with the Superintendent by some members of the Board of Managers, which made more difficult her situation in conducting the reformatory.
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> "Since I became a member of the Board of Managers in 1916, I have not noticed any lack of disposition on the part of any Manager to cooperate with Superintendent Cobb. This applies to those Managers who have resigned — Mrs. Marquand and Mrs. Macy — as to those constituting the present Board."

Mrs. Marquand, in a letter to your commissioner, said:

> "My relations with my associates on the Board have always been cordial and agreeable, but committed as they are to the policy of strengthening the autocratic control of the Superintendent even to such a point as the summary dismissal, without reason given, of officials after many years of competent and devoted service, I felt that my usefulness at the Institution had ceased."

Added to this, the management contend that there has been a systematic propaganda carried on by discharged employees, alleged disloyal employees still in service and other outside influences to discredit the present superintendent and first assistant superintendent and to secure their removal. It is needless to say that such influences, if they exist, have had no effect on the conduct of this investigation and due consideration has been given testimony which, even remotely, showed a taint of any such bias.

The present superintendent, Miss Helen A. Cobb, took charge of the institution in August, 1916, and about that time Miss Julia A. Minogue was made first assistant superintendent and disciplinary officer. Both are still continuing in these positions. During that period, the following persons have served on the Board of Managers: James Wood, Charles H. Turner, Miss Mary Garrett Hay, Mrs. J. Borden Harriman, Arthur W. Lawrence, Miss Caroline Choate, Mrs. Katherine C. Marquand, Mrs. Edith W. C. Macy, William G. Barrett, Daniel P. Hayes, George B. Robinson, Dr. Pearce Bailey and Rev. Thomas B. Kelly. The last-named five constitute the present board, there being two vacancies caused by the resignations previousy mentioned, which were announced at the opening of this inquiry. The managers are appointed by the Governor and responsible to him. They have, under the statute, general superintendence, management and control over the institution and the appointment of a female superintendent, who shall serve during the pleasure of the board.

At the time Miss Cobb assumed charge, it is asserted by the management, and no evidence to the contrary has been produced, that conditions of discipline were in a deplorable condition, all of the cells in the two confinement buildings being full and disorder running through the cottages. It is further stated that Miss Minogue took hold of the difficult situation and, by constant work, in due time brought order out of chaos.

The unusual situation at Bedford has been under the observation of the State Commission of Prisons and the State Board of Charities, which have limited powers over the institution, for some time. In December, 1918, in the course of general inspections as a Prison Commissioner, the undersigned visited the reformatory and made a report to the Commission, which called

attention to the impossible situation existing in the make up of the population, as described above, pointed out the need of specialized treatment for the mentally ill types and sharply criticized the punishment methods in vogue. The answer to the question, as to what method of punishment were in use, was that among other means handcuffs and close confinements in the disciplinary building were used and that there were ten cases of handcuffing during 1918. The report asserted that "handcuffing has no place in humane prison systems of the day." The use of the disciplinary building was also criticized as follows:

> "The disciplinary building is not a modern isolation prison but a dungeon when used in the extreme, and its further use as at present should be discontinued."

Discussing the archaic methods used, the report recited as follows:

> "In no other penal institution in the State, made up as they are, with mixed populations, having all the mentally ill classes found here, is it found necessary to use the restraining means objected to. These practices have passed on years ago. It is urged that this population of women, with New York City origin, is different than any other institution but an investigation of like institutions shows that discipline can be maintained by other means. The State hospitals for the insane, with their difficult problems of numerous disturbed patients, under the order of the State Hospital Commission, limit mechanical restraint and seclusion to two hours restraint and three hours' seclusion in their rooms in one day. This can only be done on the direction of the physician and the patient must be visited each hour. The restraint is limited to the use of safety sheets, camisole, sheets or towels. Hydrotheraphy is used extensively and successfully in these hospitals for cases of excitement and mental disturbance. Authorities seem to be in entire agreement that various forms of hydrotherapeutic devices form one of the more valuable of the recent additions to the main treatment in cases of excitement, and that manual or mechanical restraints are undesirable."

Attention was called to the great many punishments for minor offenses, there being 1,211 during 1918 for various branches of discipline and the question was raised as to whether these punishments are not overdone, and whether some form of discipline of a reformatory nature could not be substituted in a great many of the cases.

> "As to the punishment for minor offenses by confinement in rooms in cottages and in the 'prison,' which under normal conditions could not be criticized, there must arise the question of the value of even such punishments when applied to low grade, feeble-minded and psychopathic inmates."

The report continued:

> "If the inmates were normal minded or even of the higher graded feeble-minded, the necessity of the existence of the system in its entirety would not exist but, when it is stated by the Management that the most serious cases of discipline are with the psychopathic inmates, then the question of its propriety and necessity forces itself to the forefront."

The report was transmitted to the Board of Managers in February, 1919, with a recommendation "that it proceed to an immediate study of the whole situation as it exists, and submit at an early date a plan for maintaining discipline in this institution in the light of its present needs along modern scientific and humane lines."

On April 7, 1919, the secretary of the Commission visited the reformatory and found nearly one-seventh of the population in the two confinement buildings, besides those in punishment in their cottage rooms, and ascertained that all of those confined were mentally subnormal, their average mental age being 11.6 years and one of these, who had a mental age of six years and ten months, had been locked up in punishment four times in six

months. The disciplinary or punishment methods had not been changed, handcuffs were in use and the double doors of the disciplinary building were still in service.

Conferences were held with the superintendent and the first assistant superintendent, both of whom steadfastlly defended the measures in use as absolutely necessary to maintain order among the prisoners. Differing entirely with them and insisting upon action by the Board of Managers, a resolution was passed by it on April 23, 1919, as follows:

> "To the two special recommendations, namely, the elimination of handcuffs and the abolition of the use of the two outside cell doors at the Disciplinary Building, the Board of Managers have given much thought. They have found in the past that the use of handcuffs at times could not be avoided because of the particularly difficult and varied group of inmates which constitutes the population of the Reformatory, because of the lack of adequate buildings and equipment, and because of the difficulty of obtaining properly trained and experienced employees. The Board of Managers feel that the time may now be opportune to try to dispense with the handcuffs and to eliminate the use of the two outside cell doors of the Disciplinary Building, and will accept these recommendations and use their best efforts to put them into successful operation."

Notwithstanding this action by the board, the records produced at the inquiry show that, on May 12th, a girl in a "spell of hysteria" was handcuffed to her bed and, on June 3d, the same low grade feeble-minded girl mentioned above was handcuffed to the gate and given the water treatment for the second time in nine months. On June 10th, three more were given the same treatment and between that date and the opening of the inquiry on November 19th, eight other girls were handcuffed to cell gratings and heads dipped and five handcuffed without dipping.

During the examination of the superintendent at the inquiry, she was asked why, during the progress of the inspection referred to, she had not given information of the so-called "stringing-up" and "water treatment," as the records produced in the inquiry show twenty-four cases of handcuffing during 1918, and that, of this number, in six cases they were cuffed to the cell grating and their heads dipped in water. Her answer was that these measures were not considered punishment, but simply "restraint" and "treatment."

The State Board of Charities investigated this institution in 1915, prior to the coming of the present superintendent, and at that time called attention to the hopelessness of dealing with the feeble-minded here and calling attention to the necessity of custodial care for mentally defective delinquents. The mistaken use of the Disciplinary Building for long confinements was criticised and the discontinuance of Rebecca Hall, with its obsolete cell construction, poor lighting and ventilating and fire hazard, was advocated with the demand that it be taken down. As to the bureau of social hygiene then in existence, the Board declared it to be "the most important step in advance yet taken in the precise adaptation of remedial measures to the radical reform of the individual inmates of the institution." In October, 1918, the Board called the attention of the Board of Managers to "the desirability of installing hydrotherapeutic apparatus for the care of psychopathic cases and the institution of a ward or unit for the care of such cases, which shall to a large extent supplant the Disciplinary Building. In addition to continuous tubs in such a hydrotherapeutic unit, there should be beds and nursing care which would be able to provide for packs and other allied measures." In December, 1918, it was the opinion of the Board that "the methods of punishment were pretty crude and were not in line with what would seem to be the physical and mental needs of these girls." In the annual inspection by the Board for 1919, the lack of reading matter and work for girls in confinement in Rebecca Hall was commented on and it was reported that one girl stated that "she had neither work nor outdoor exercise for a week or more." The use of handcuffs and dipping heads into water was reported and the continued absence of any facilities for hydrotherapeutic treatments was noted.

In August, 1919, anonymous criticisms of girls in punishment were sent to the Board, it being claimed that inmates were being strung up with handcuffs, which complaint was taken up with Dr. Pearce Bailey, who stated in reply:

> "It appears that a few of the girls who were particularly violent and unmanageable had their faces dipped in water and also were handcuffed to the bed or the door of the cell for a few minutes * * *. It seems rather stretching a point to dominate these measures as inhuman or cruel but, at the same time, the question may properly be asked if they are advisable. The whole matter will be laid before the Board of Managers at the next meeting in September and, in the meantime, the President directed that the practices referred to be discontinued."

In October, 1919, complaints relative to the discharge of several persons who had been long-time employees were laid before the Board and are now pending there. This matter was not taken up at the inquiry because of its pendency before that body. The powers of this Board over the institution are, as with the State Commission of Prisons, largely advisory, calling attention to abuses, defects and evils, and in assisting institutions in securing desirable conditions, but have no power to enforce orders except through a court proceeding.

The Western House of Refuge at Albion, which covers the same purposes as Bedford for the judicial districts not taken in by the latter institution, was recently investigated by a Senate committee. The investigation developed somewhat the same conditions of internal differences as existed at Bedford for some time back, and the committee reported that the differences cannot be composed and a recommendation was made that a new Board of Managers be created as rapidly as possible, and that the selection of new members be made from persons more generally geographically distributed, rather than chosen from people in close proximity to the institution. The committee states "that it is quite remarkable that the institution has not suffered serious results because of this controversy."

The committee found also that the superintendent, who came in February, 1916, had found lack of sympathetic co-operation from civil employees, that there was considerable internal unrest, and many resignations and dismissals took place. It is stated that this was due to the inauguration of more liberal and progressive ideas as to the conduct of the institution, and the lack of tact and temperament by the new superintendent to secure at the outset the co-operation and loyalty of her subordinates. This, however, has now subsided and there is harmonious action between superintendent and subordinates, notwithstanding the differences in the Board. The committee further reported "that not a single instance of cruel, inhuman or unusual punishment being inflicted on any inmate was brought to their attention."

At Albion, where the problems are in a large measure the same as Bedford, there are no male guards, handcuffs or cells. There are isolation rooms in the Reception House. The correction of a girl is individual, and consists of loss of recreation, demerit marks and locking in rooms, with runaway cases in isolation rooms.

The findings as to major punishments, which are stated at the outset of this report, were arrived at after a most careful study of the testimony, an examination of the records of the institution and an investigation as complete as it was possible to make it. It is admitted by Miss Cobb and Miss Minogue that girls were handcuffed to the cell gratings as described and their faces immersed in pails of water. Miss Cobb admitted in testimony and previously, that most of the troublesome cases were psychopathic. She testified that never to her knowledge had a girl's feet or heels been lifted from the floor. Miss Minogue was emphatic in her testimony that in the punishments described the feet were always squarely on the floor and that she had been present whenever these punishments had been inflicted. The testimony of many inmates and ex-inmates was taken and, with a knowledge of the dependability of such statements, generally, due weight was given it. It cannot, however, be urged that the testimony of all the witnesses who testified that prisoners were lifted up so that their toes or the balls of their feet only

touched the floor, can be discounted or disregarded. Dr. Orie M. Grover, who was assistant physician from January, 1914, to March, 1918, and was called as a witness by the superintendent, testified that she had been instructed by the resident physician to attend all punishments and protested, but was told that "it is necessary to have a physician present at punishments to see whether or not they were injured." She also stated to your Commissioner that Dr. Halleck instructed her to make a record of all punishments she witnessed so that it would be available in case of an investigation. She testified that she never saw prisoners lifted off their feet, but that they were on the balls of their feet, with part of weight of body on the arms, with heels up probably two or three inches. She heard them crying out in pain and at times their wrists were bruised, but not badly. She testified that the water dripping was introduced after Miss Minogue came, but that stringing up was in effect before Miss Minogue's time.

That the punishments now condemned were in practice from the outset of the present administration is proven conclusively by the records kept by Dr. Grover and produced in evidence. On August 4, 1916, the record shows: "Sent by Miss Cobb, with Miss Minogue, to Elizabeth Fry Hall to help discipline two girls, named on record. They were handcuffed to cot and spanked, one twenty-five blows, the other twenty, with a rubber. They were then gagged and hung up for one hour each * * *. After they were released from the cot, Mannix (a guard) helped to hang them to the grating by the handcuffs, standing on their toes. They were also gagged. Miss Minogue and Dr. Grover present." It was stated to a representative of the Commission of Prisons, by the management, that Dr. Grover did the spanking and the punishments were under her direction at that time. Dr. Grover admits doing the spanking, but denies that she was responsible for discipline at any time during the present administration and acted at all times under orders from the superintendent, who, of course, was responsible. As to these two cases and their treatment, it need only be remarked that six months later both were transferred to the Matteawan State Hospital for Criminal Insane. The records further show that on August 18, 1916, a girl was "punished * * * gagged and hung to the gate." On October 22, 1916, the names of eleven girls are given who "were all hung up by the handcuffs to cell grating. They were all taken down that evening." One "became faint and was taken down first;" another, "was rebellious and was last. All the rest were cuffed sitting to the gate. Monday one hand was fastened to gate. They could lie down but not straight. Had blankets. Tuesday, October 24, 1916, I called on Miss Minogue about 4:30 P. M. and advised her to take all the girls out of cuffs and allow them to go to bed, but they were still in cuffs at 10:00 A. M. Wednesday, when Dr. Hallock saw them. October 26,—they are all out this morning. M. S. has been cuffed to gate since Saturday, October 14th; E. A. since October 22nd; E. F. since October 23rd. Signed O. M. Grover, October 26, 1916." "December 3, 1916—The following girls were strung up (cuffed to cell grating); average time about twenty minutes (nine names given). All were left handcuffed for night."

The physicians' records giving information of this sort were apparently discontinued after March 18, 1917, and no further detailed records as to punishment, as above, were found recorded by the physician. It developed in testimony that latterly the advice of the physician was not secured prior to punishments and, in most cases, no physician was present.

The records of 1918 and to date have been previously referred to, it being impossible from the records and testimony to find out the number who were given the extreme treatment. President Barrett, who has been a member of the Board since 1910, in his statement says that, until the inspection of the State Commission of Prisons, he was not aware that girls were handcuffed in a manner cruel or unnecessarily severe, and that until this inquiry no charges had been made to him, and he believes the superintendent and disciplinary officer have not intended to conceal from the Board of Managers any method they have employed. Mr. Barrett says, "I do not approve of handcuffing a girl to any article with her hands back of her and with her feet on the floor, although I do not believe that such act constitutes cruelty or inhuman treatment." "I entirely disapprove of handcuffing a girl with her hands back of her so that any part of her feet are raised off the floor." "This

would be cruel and inhuman and I believe was never done with the knowledge or consent of those immediately responsible."

Mr. Hays says as to handcuffing with toes only on the ground: "Such a method of restraint whether heads were dipped in cold water or the subject was left in that condition until she became, or promised to be, quiet, I regard as cruel and not a proper method of punishment or restraint to be resorted to." As to whether or not this was done, he says: "* * * it will be for you to determine and I do not consider it my duty to sift out the evidence with a view of influencing your opinion." I do not believe that any inmate was intentionally 'strung up by the toes,' as the prosecution would try to make you believe."

Dr. Bailey, in his statement, says:

"My first introduction to the problem of discipline took place last April, when Mr. Tremain and Mr. Johnson met the Managers for the purpose of discussing the question. As a result of this meeting I retained the impression that handcuffing, as punishment, stringing up, and similar procedures, would not be tolerated by the inspecting authorities. I thought that that day marked the end of such practices at Bedford.

"In July, an anonymous letter sent to the State Board of Charities, and forwarded to me by Mr. Johnson, said that the practices had again been resorted to, and gave dates and names. As a result of this letter, Mr. Barrett, the President of the Board, and I went immediately to the Reformatory and interrogated Miss Minogue, the then acting superintendent. We ascertained that some at least of the charges in the anonymous letter were substantially correct. Mr. Barrett then directed that the use of handcuffs, as a means of punishment, be discontinued. There was no record kept of this meeting, but as the minutes of the Board show, Mr. Barrett's action was confirmed at a subsequent meeting.

"The only other time I visited the Reformatory in special reference to the subject of discipline was one evening, perhaps in September, when I was requested to come by Miss Cobb. There were a number of unruly girls in Rebecca Hall, and a riot was anticipated in transferring some of them to the Disciplinary Building. After a few minutes talk the girls quieted down, and there was no disturbance. The girls had not been 'strung up' and I may say here that I never saw a girl either strung up or ducked. In fact, after the talk Mr. Barrett and I had with Miss Minogue in July, I did not believe that these methods were being used, and only learned the contrary the day I was taken ill in November.

"Now while I do not believe that the 'restraint and treatment' referred to in your letter are necessary, I do not believe that these were practiced in a cruel manner. Also it should be borne in mind that it is one thing to be an outside observer, and quite another to be immediately responsible for a group of maliciously mischievous girls who enter into a combination to 'put the place on the bum.' In justice to our superintendent, it must also be said that she doubtless believed that what she did would have been done by most superintendents similarly placed.

"My personal view is that while physical punishment may seem good at the time, it seriously impairs the general morale of the institution and that no institution can attain its ends of reform where it prevails."

Mr. Robinson says:

"I had never known of the use of handcuffs on the inmates, with hands behind their backs and fastened to iron gates, and certainly these cases should always have been brought to the knowledge of the Board of Managers. I would never consent to such practice under any circumstances. It would be perfectly natural for the girl to struggle in trying to relieve herself in such a position and to give the appearance of being strung up from the floor."

Rev. Thomas B. Kelly, who had been chaplain for about seven years and a manager for one year, says that, while visiting those in confinement:

". . . while there was almost always a claim of injustice concerning their confinement, there never was the slightest complaint about cruelty, this even with girls who chanced to be handcuffed to the gate of the cell at the time."

He says that while chaplain he found Miss Cobb "rather abrupt in her manner" still she was eager to help in his work. He believes that "the charges of cruelty or inhumanity are baseless" but that he agrees with Messrs. Barrett and Hays "as to the iniquity of cruelty, especially towards wards of the State."

Mrs. Macy states:

> "I believe that Miss Cobb and Miss Minogue have never employed inhuman methods of handling any of the inmates, but have often been put in very great difficult and even dangerous positions by being obliged to care for cases which should rightfully not have been sent to Bedford."

Mrs. Marquand wrote as follows:

> "I have often asked for the release of girls confined in cells, when, after talking with them, it seemed that further punishment of that sort was detrimental and of no avail; but I have never seen evidence of cruel or inhuman treatment, such as Ruth Carter refers to, and, if any was inflicted, the fact was kept from me both by officers and inmates. It was on no question of discipline that I based my resignation, but on the chosen policy of the Board.
>
> "The methods of discipline and the means of punishment had long been recognized as obsolete. The Reception House, sometimes called Rebecca Hall, and the Disciplinary Building added many years later, were out of keeping with modern ideas. To meet this need, the Bureau of Social Hygiene, with its Laboratory, its Psychopathic Hospital, its resident psychologist, its psychiatrist and its staff of well-trained officers, was established by the enlightened co-operation of Mr. John D. Rockefeller, Jr.
>
> "*That* was the dawn of a new day for Bedford and for all reformatories. Crude and archaic methods of punishment were to be relegated to oblivion, every case to be carefully studied in the light of modern research, and a substantial advance was to be made in bringing the New York State Reformatory for Women at Bedford up to the latest standards of scientific thought. But, after five years of brilliant service, its doors were closed and the reformatory turned back to the methods in practice years ago."

It seems unnecessary to go into further detail on this particular point as to the practice of stringing up on their toes, the balls of the feet, or flat on their feet, the whole thing being so abhorrent and in conflict with present day treatment of even normal-minded delinquents. The defense of practices in effect during other administrations, whatever they might have been, ought not to, and cannot be, considered as a justification for continuing them in the present time.

On the subject of punishments, generally, it appears that minor punishments are overdone and it is an important question for the Board to consider if discipline of a reformatory nature should not be substituted in a great many of the cases. Out of a population of 333 on December 1, 1919, only 19 per cent. had no punishments, while 38 per cent. had punishments in rooms only, and 43 per cent. had punishments in the confinement quarters of Rebecca Hall or the Disciplinary Building. During the progress of the inquiry, an entire cottage was deprived of privileges because one girl had taken a small article from another and the guilty one could not be found. This rule applies to other happenings in cottages where the offender cannot be located. This seems fundamentally wrong. It is the duty of the disciplinary officer to discover, if possible, who is the guilty party; but if there are twenty in the group, nineteen of them should not suffer because one has violated the rules — even though the nineteen should decline to "squeal" on her.

Considerable stress was laid upon the bread and water punishment program, it being shown that at one time a group was punished in this manner for a week. While there can be no objection to this punishment in moderation to normal inmates, there again arises the value of it all to those mentally irresponsible. The rules in effect now cannot be criticised in normal cases.

Frequently, too, much stress is laid upon the character or the nature of disciplinary infractions, and not enough, or, more often, none at all, upon

the individual who is under consideration. We neglect, frequently, to remember that each individual needs individual treatment, and this is a primary and fundamental principle without which no real progress can be made. Discipline is often too routine in character, and not specific and individual.

In fixing the punishment for any infraction of rules, it is usually better to reduce the penalty, provided good conduct is maintained during the period of punishment; for instance, if a prisoner is sent to her room or prison for four days, it is a good practice to let the inmate know that, provided her conduct there is exemplary, she will be released before the expiration of that period. If the punishment for a specific offense is four days in isolation and she knows that she must stay four days in isolation, she is quite likely to make as much trouble as she can during these four days; but, if she knows that if her conduct is good, she will be released in two days, the effect is evident.

Repressive punishment fosters resentment and inculcates a desire to get even. Force should be used only as a last resort in every instance. To my mind, it usually indicates failure in dealing with the disciplinary infraction involved. The moment an officer uses force, she has sacrificed every means that her position gives her except the provision in the law which permits the application of force in some instances. The application of force to inflict punishment has practically been abandoned everywhere and there is no relationship between spanking a normal child and using the same form of punishment upon an adult fool.

Another point not to be lost sight of is the value of personal interview. The executive of the institution should be in close contact with the discipline and with all the problems involved therein. She should know the inmates in the institution; she should visit the punishment group at least once a day and should be fairly familiar with the reason why the different prisoners are detained there. Many of the difficulties which arise could be eliminated should the prisoner have an opportunity to lay her troubles before the superintendent. Too often the executive spends too much time in matters pertaining to finance and business which can be looked after by some subordinate officer, and neglects to know and feel the pulse of the institution as reflected by the inmate population. A superintendent should get around among the inmates and they should have an opportunity to see her alone. It is well to set aside an hour each day when inmates may come with complaints of any sort and place them before the superintendent. Many of these so-called complaints are trivial and of very little consequence, but the inmate thinks them of paramount importance; a few minutes are usually all that is necessary to set these things right, and the fact that the prisoner has had an opportunity to take her difficulties to the superintendent, eases her mind of its many petty annoyances. Any explanation which clears up a difficulty for an inmate, spreads its beneficial influence over the mass; while hate, turned to faith in the heart of a single inmate becomes an influence sensibly felt by any other inmate with whom she may come in contact. It may be argued that this work can be done with the mass, or in groups, but in every instance it is the same old story of the other fellow being hit by the remarks of the preacher, and not the individual in question. There is certainly great value in the personal interview and no way of avoiding it if an institution is to be well conducted.

It must not be considered for a moment that any argument is advanced against the necessity of complete discipline in this institution. Discipline is just as important in such an institution as in an army, for obedience and respect for for authority must be fundamental in both. To obey willingly, smilingly and cheerfully is the discipline for which to strive and it does seem possible to achieve this with a proper understanding between inmates and officers. It was long contended that to maintain good discipline, stern and at times even severe punitive measures were necessary, but the fallacy of this is generally acknowledged by all modern prison authorities.

It is apparent that a very high percentage of disciplinary difficulties here come from attempting to take care of women of pronounced psychopathic tendencies in the midst of a group who must be treated as normal individuals if the reformatory purposes of the institution are to be accomplished.

It is impossible to separate the discipline of the inmates from their necessary treatment, education, recreation, employment or any other parts of the regime

devised for their improvement and, if possible, their reformation. The need for discipline is in considerable measure due to the breakdown of one or more of these other departments.

The use of men as guards, assisting at cases of discipline and punishment, is condemned for reasons which must be apparent to anyone studying the make-up of the population here. Any restraint necessary should be by women alone, even if necessary to call them from the cottages. Men, if used as guards at all, should be only to prevent escape.

In regard to type of matrons in service, as has been pointed out, the small salaries which have been paid has given the institution a low grade of employees generally, although some of them are splendid women whose retention has been most fortunate.

The resignations from the institutions from July 1, 1916, to December 19, 1919, were 278, some of which were forced, but mostly resignations to take better paying positions. The type of matrons in the punishment buildings was not impressive and their appreciation of the problems they had to deal with was rather pitiful. One, who had been a matron for nearly ten years and was constantly in charge of psychopathic cases, gave testimony as follows:

"If you don't quell them or rule them with an iron hand you cannot live with these people.

Q. Do you understand what is meant by a psychopathic girl? A. Well, I guess it is a very high tempered girl.

Q. You would not know whether it was this type of psychopathic girls causing the trouble? A. No, I would not. They are a very hard class of girls to handle.

Q. You don't know the cause of their excitement? A. I don't.

Q. Don't you think there is a cause? Isn't it limited to a very small proportion of the population? A. Yes, sir, very small.

Q. It is a repeating of offenses by the same class of girls? A. Yes, sir, all the time.

Q. Have you ever heard the question raised that the difficulty here was the psychopathic cases? A. I don't know as I have. I am very much by myself."

In a desire to scientifically solve the problems at Bedford, following careful studies of the situation found there, the Bureau of Social Hygiene was established late in the fall of 1912, under an arrangement made with the State through the generosity of John D. Rockefeller, Jr., and a new Psychopathic Hospital was added by him in 1917. The cost of the 71-acre plot and buildings is stated to be about $200,000.00.

A staff of high-class, scientific experts and the best equipment obtainable was provided with the plant at no cost to the State. An arrangement was made with the State officials whereby the whole plant was put at the disposal of the State Reformatory at a rental of $1.00 a year. The State, on the other hand, permitted the women committed to the Reformatory to be sent to the Elizabeth Fry Hall, first for quarantine and then for examination. The State paid for the officers of that building in order that the inmates might be legally in their care. The State also paid for maintenance of the women in this Hall.

The examinations included psychological, sociological and psychiatric studies, after which inmates, other than of psychopathic personality, were classified and transferred to one of the cottages at the Reformatory. Those found to be psychopathic were sent to the Psychopathic Hospital for treatment. The result of the studies made were transmitted to the Reformatory authorities and proved of great value in the handling of individual cases.

The superintendent stated that the Psychopathic Hospital, however, took only cases passing through the Bureau and did not pick up cases already in the Reformatory, leaving these troublesome cases still to be handled by the Reformatory authorities. Satisfactory results, however, are reported in the treatment of a large portion of the cases received and treated there.

The Bureau was closed on June 30, 1918, after having been carried on for for a year beyond the time for which Mr. Rockefeller agreed, due to the failure of the State to make an arrangement to take up and continue this work and the inmates under study and treatment were turned back to the Reformatory to be distributed as best the inadequate facilities would permit. This

splendid and up to date plant and equipment, which has been kept in perfect condition, now lies idle within sight of this institution which so sorely needs its use. During the progress of the hearings, an appeal was made to induce Mr. Rockefeller to allow the use of the plant and equipment, or at least a part of the equipment, to meet the situation and to answer the oft repeated demands of the management as to "What can we do for our psychopathic cases when the State provides no means for treating them if the present practices are abandoned?" Mr. Rockefeller wrote, under date of December 6, 1919, as follows:

> "The Laboratory of Social Hygiene was created in order to make possible the working out of certain theories which it was believed, if sound, would be of service in dealing with delinquents who are mentally defective. As a part of the arrangement entered into when the work was undertaken, it was agreed that the State would have the opportunity to buy the property at cost, plus a reasonable rate of interest, if it should think it desirable to carry on the work after the theories above referred to had been worked out. At the urgent request of those interested in what was accomplished in the Laboratory, the plant was continued in operation more than a year longer than was originally contemplated or necessary, because it was thought that within that additional period the acquisition of the property by the State and its permanent operation might be deemed desirable by the State authorities. This not having proved to be the case, the property was then closed, and, having served the purpose for which it was originally constructed, has been placed on the market.
>
> "If the Legislature, acting upon the recommendations which I understand have been made by various competent official bodies, should shortly vote to acquire this property for State purposes, appropriating the necessary funds for its acquisition and maintenance and having in mind its use as a clearing house in connection with a state-wide system for the care of mentally defective women, although the consummation of such a program might not be possible for six or nine months, I should of course, under such circumstances, be glad to make available immediately upon such action any of the facilities of the Laboratory which could be otherwise maintained and operated pending the taking over of the whole plant by the State. Unless, however, such temporary use were a part of a permanent program I am sure you will agree that I ought not to tie up the property or impair its completeness, much as I should like to cooperate with you in the work of which you write."

This information was transmitted to the Governor, Speaker of the Assembly and Chairman of the Senate Finance Committee on December 15, 1919, for consideration. The acquisition of this property by purchase or lease, and the providing of a proper staff, would unquestionably be a most important step in solving the difficulties of the situation as it exists today. It would fit in with the state-wide plan for the re-classification of all women in state, penal and correctional institutions, as will be recommended in the forthcoming report of the Prison Survey Committee which will soon be submitted to the Governor, Superintendent of Prisons and Legislature. This plan will aim to show a way whereby the prisoner, capable of reform, will be given an opportunity to start anew on his release from the prison and a segregation and retention of the members of the prison population who are mentally or physically unfit to re-enter society.

An effort was made during the inquiry to secure immediate temporary means to cope with the troublous psychopathic cases by securing from the State Hospital Commission the loan of a competent mental specialist and four nurses, but this failed because of the situation in the State Hospitals which are greatly undermanned. Having no funds available for securing the services of experts, an effort was made to get the free services of a psychiatrist from some of the public or private bureaus and agencies specializing in this work, to determine, if possible, the real mental state of those given major punishments in recent times, but without avail. An effort too was made to have an especially pitiful case of low grade feeble-minded sent to the Rome State School, but the oft repeated answer "filled beyond capacity" was given.

Since the closing of the Bureau of Social Hygiene, the mental studies of inmates has been carried on irregularly with such assistance as the State Board of Charities and private sources could supply. It must follow that these have not been as complete and thorough as is desirable. In a letter to the State Board of Charities dated December 5, 1918, Miss Cobb stated that as soon as the Assistant Physician had caught up her work, "we hope it will be possible for her to make mental examinations which we appreciate were needed for classifying inmates." "As a matter of fact, the Assistant Physician testified that she had no qualifications for such work.

During the testimony of the Resident Physician, Dr. Conant, the question was asked why she did not use some of the inmates to assist in the hospital and thus secure help and give a training which would be helpful when they go out. She replied, "No, you can't trust them. I don't think there any we could trust." In view of the fact that all penal institutions do use prisoners in such work, would it not seem to indicate a lack of desire for helpfulness to inmates on the part of the medical staff?

It was stated in testimony that whenever an inmate is called upon by her mother or other member of the family, or by an attorney, she is never allowed to talk with them alone, a matron always being present who listens to the entire conversation and, at times, engages in it. The Board of Managers should look carefully into this rule to see whether or not it is entirely justified as governing all cases.

During the investigation and since its close there has been much publicity of outbreaks and so-called "riots" in which the names of unfortunate women have been widely advertised and which, upon being investigated, have proven to be the usual happenings and, in most instances, can be attributed to the system which has existed for some time back. The practice of giving out names in connection with these occurrences is condemned, and there can be no good reason for continuing it, particularly where the occurrences concern the acts of feeble-minded or psychopathic girls, unless there should arise matters of serious importance in which the public would be entitled to the names concerned. During the course of the inquiry, which was public, the giving of names could not be avoided, but this in no way justifies the present practice.

The question was raised during the hearings as to why inmates impossible to handle have not been returned to the county from which committed and produced before the committing magistrate for resentence to another institution, as provided in Section 227 of the State Charities Law. The answer of the management to this was that attempts of this kind frequently resulted in the discharge of the girl, as was done in the case of the inmate whose trial brought about this inquiry, and as a consequence other girls would so conduct themselves as to be returned to court with a hope of the same result. Section 197 of the State Charities Law, as amended in 1919, provides that incorrigible cases in the State Industrial School and House of Refuge at Randall's Island may be brought before a Supreme Court Justice or County Judge and ordered confined in a county penitentiary or county jail for a limited time. The existence of this law is said to have had a helpful effect on these institutions and would seem to be the answer to this situation at Bedford. The State Board of Charities should be asked to prepare such bill or amendment as is needed.

It must not be understood that there is not much to commend at Bedford. The business and financial management seem excellent; the buildings are cleanly, orderly and well kept; the food and clothing provided appear to be ample and satisfactory. Some excellent plans for education, industrial and domestic training, are in operation and, generally, the inmates are well behaved and seemingly content as they could be in a reformatory institution. There are many excellent women giving their devoted service to the work of their positions, with good results in their various lines. With all of this, true, there has been a failure to solve the real difficult problems of the institution. That this has been due in a measure to past disagreements in the Board of Managers and failure on their part to assume proper authority, cannot be doubted. The superintendent, who is a woman of a strong and forceful

personality, has assumed too much power and, as the records show, has acted at times without the knowledge or authority of the Board of Managers and with almost complete disregard of the State supervising commissions. With a full realization of the changing mental and physical make-up of so large a part of her charges, she has not introduced modern curative measures, but has continued obsolete punitive ones. While recognizing conditions in written reports and in the absence of facilities and proper help, a definite program for the mental, moral and physical treatment and upbuilding of the inmates has been lacking. There seems to have been no definite constructive plan in the minds of the administration of the reformatory for the attainment of the purpose of the institution. The educational, vocational and industrial work, the recreational and athletic activities seem to have been carried on entirely in a haphazard manner. In the last report of the Board of Managers to the Legislature, a plan of future development of the reformatory is outlined, but this plan has not been provided for by any proposed legislation, nor has it had the endorsement or the benefit of criticism of persons interested in this particular line of work or of the State supervisory department. The last report recognized the need and asked for the services of a psychiatrist and a psychologist, but until the hearings were in progress, no attempt was made to secure the appropriation to provide a nursing staff without which the others asked for could not successfully function.

There has evidently been a lack of co-operation between the superintendent and the staff and also the superintendent and the inmates. There have been seemingly too many changes in the personnel of the staff and there is no appearance of any attempt on the part of the superintendent to bring about a condition of team work whereby the interests of the institution would be very greatly furthered. The superintendent and the assistant superintendent have been together too constantly and there has been but little opportunity for the inmates to have free and confidential communication with the superintendent alone. There is no evidence of determined effort on the part of the institution administration to bring about a condition of co-operation among all in the institution, nor is there any evidence of an attempt to develop a school or institution spirit. There seems to have been a constitutional inability on the part of the superintendent to give and take and the relations between the workers must necessarily reflect the attitude of the inmates toward the organization. The discipline of an institution is affected to a greater or lesser degree by the general atmosphere and spirit prevailing therein, and the atmosphere and spirit is that created by the superintendent. It is apparent that both the superintendent and the first assistant superintendent lack certain essential qualities of character and temperament so indispensable in such positions and in real reformatory work, as well as for curative work in the care of the abnormal types. Your Commissioner feels compelled to report that, in his opinion, the situation calls for the replacement of the present superintendent and the first assistant superintendent by new appointees who can cope with the situation and bring about the reconstruction so sorely needed. The statute requires the appointment of a woman as superintendent. As to the future, Dr. Bailey of the Board of Managers says:

> "Although I have no one in mind, I believe that a competent woman physician trained in psychiatry could be found who would make a satisfactory superintendent. But I am so firmly convinced that psychiatric knowledge and experience is a requisite qualification to a superintendent of an institution where only a minor proportion of the inmates are mentally normal, that if no woman can be found the statute should be amended so that a man would not be excluded from the position."

The working out of this situation should be the first step to be taken by the Board of Managers.

The present Board of Managers is made up of high-class men who have given liberally of their time and efforts, without compensation, to the work of this difficult institution. Messrs. Barrett, Robinson and Dr. Bailey have been on the board during all the time that Miss Cobb has been superintendent.

Mr. Hays and Father Kelly were appointees of the present Governor. It is certain that these men can get together and, with two properly qualified managers to be appointed, assume fully the power given them by the present statute and work unitedly to bring this situation to a satisfactory state. They are fortunate in having among them Dr. Pearce Bailey, chairman of the Commission for Mental Defectives, and a recognized expert in the care and treatment of mental diseases, who, with proper equipment and staff provided by the State, can direct the working out of a proper plan for the care and treatment of the abnormal types.

Experience would indicate that further appointments to the Board should be chosen from other portions of the State, rather than from people in close proximity to the institution. All of the present members, as well as the two recently resigned, are from Westchester county, and it is an open question if this has not, in a large measure, been one of the reasons for past internal differences in this Board. It is urged that, in the selection of new members of the Board, care be used to select persons who are particularly interested in the character of work carried on here and are prepared to give unselfishly of their time to the duties of the position.

While favoring the continuance of a Board of Managers for this and other reformatory institutions, it is believed that all should be directly in control of a State Department of Correction, as advocated by the Governor's Reconstruction Commission. The line of responsibility for these institutions, which is now so indefinite, to an every-day functioning State department with an advisory board of managers would be most desirable and it would seem that if such a system were now in existence, the necessity for investigations at Albion and Bedford would not have arisen. The simplification of administration and the unquestioned economies assured under this plan are so completely justified in the report of the Reconstruction Commission that there is no need for argument here. If the Department of Correction should not come into existence, definite control by the State Board of Charities, which now has supervisory jurisdiction over charitable and reformatory institutions, is favored.

The investigations at both Bedford and Albion have demonstrated completely that unpaid boards of managers, with private business demanding their attention, cannot devote the time and attention necessary to fully carry out the present requirements of law. They can, however, be a great aid to a State department in control.

With the present situation before them, a qualified superintendent in charge and if necessary appropriations are made by the Legislature, the Board should proceed so far as appropriations are provided for the segregation and treatment of the feeble-minded, psychopathic and epileptic types. Rebecca Hall should be torn down or reconstructed for other purposes. The Disciplinary Building should be abandoned and a modern isolation building erected, remote from the main group, for the detention of normal incorrigible cases. With increased salaries, which it is hoped will be allowed by the Legislature, a higher type of matrons should be secured and every effort made to work out a policy of confidence and co-operation between the superintendent and her subordinates.

To the end that such internal relations may be established, it is urged that frequent staff meetings be held at which there should be frank discussion of problems arising at the institution and the combined best thoughts of all utilized in solving them. An effort should be made at all times to keep the inmates busy with work, recreation, amusements and wholesome reading. Idleness in such an institution breeds discontent and mischief.

The rules of the institution should be printed and a copy supplied each inmate; and in addition to this, these rules should be explained to the inmates by some officer who is thoroughly familiar with all the difficulties which they may encounter in their attempts to follow the institutional routine. Care should be taken that a thorough understanding of what is expected of the inmate should be conveyed to her, what the institution tries to do for her, and in what manner it hopes to help her. The reason for the commitment

and an explanation of the law governing the time of her release should likewise be made known to her, and it would be of great value to have a definite time fixed when each mentally fit inmate may reasonably expect to be released. There is an advantage in inmates knowing when release will take place, provided that conduct is good. They then have some object to work for and a stimulus for constant endeavor is provided.

With the providing of a psychiatrist for the institution, an avenue is opened up for the intelligent study of each inmate wherein the mental condition will be recognized and treated accordingly and it may be possible to get the co-operation of the individual in overcoming her own abnormalities.

There should be no excuse for severely punishing fools, epileptics and semi-lunatics. Such cases should be known to members of the staff and no excuse accepted for any measures that cannot be called therapeutic in their treatment. All problems of disciplinary treatment for an inmate should be approached from a therapeutic standpoint, eliminating the retributive idea. The emphasis on treatment instead of on punishment, in such cases, often helps the patients over their temporary difficulties and gives them a sense of confidence in themselves that punishment resorted to in similar instances can never bring. The closest relationship should exist between the disciplinarian, the psychiatrist and the superintendent and those cases which demand treatment should be seen daily by each of these officials.

Therapy alone will never meet the situation, neither will education alone nor discipline alone. There must be a combination which includes all three methods with all the possible resources each has to offer. Added to this, and perhaps most important of all, there must be an attempt to socialize the individual by stimulating her initiative and her sense of individual and group responsibility. Furthermore, there should be an attitude of therapy in the treatment of all cases, whatever methods are utilized in their reconstruction.

The State must be made to realize that if it sets out to reclaim the derelects of these types, it must face the fact that to achieve success, it will be forced to employ more and better and costlier men and women, that just as the indigent sick can no longer be nursed by workhouse prisoners as they were fifty years ago, but must have trained nurses, the mental and moral invalids in our correctional institutions cannot be cared for by $50-a-month matrons, but need women of education and insight. Of course, we must also face the fact that public authorities cannot be expected to turn these institutions all of a sudden into high-grade, scientific establishments, and perhaps the most we can ask for at present is that the superintendents, assistant superintendents, medical officers and heads of departments should be persons of the right temperament and of adequate professional attainments, and should be capable of inspiring their subordinates with enough of their own spirit to get good practical results.

The investigation has brought forcibly to mind the impracticability of spasmodic efforts to remedy specific faults found in our correctional and penal systems, which accomplish but little more than a large wastage of public funds, and shown the need of a comprehensive plan toward which the expenditure of every dollar should be directed.

The following recommendations are submitted:

1. That the institution should be responsible to a State department, preferably a department of correction as recommended by the Governor's Reconstruction Commission, with a board of managers advisory in character.

2. That the board of managers should be chosen from a wider range of territory and not confined to the county in which the reformatory is located.

3. That new officers charged with the administration of the institution be secured so that there may be more harmonious work and more progressive and modern methods.

4. That a laboratory be established in connection with the reformatory where all cases, at entrance, may receive complete mental, physical and social examination and investigation. It is recommended that the

laboratory buildings of the bureau of social hygiene be acquired by the State for this purpose.

5. That adequate facilities be provided for the care and study of those cases needing it. The State should be prepared to equip one of the laboratory buildings with more of the facilities of a psychopathic hospital than it at present has.

6. That a psychiatrist be always available in the institution to be consulted in every instance of unusual conduct that occurs in the institution.

7. That the board of managers rearrange the grouping and methods of the institution in accordance with the needs of the different types of inmates.

(a) By requesting the State to provide definite equipment for the scientific and therapeutic treatment of the abnormal types which are present in large numbers.

(b) By segregation of those found to be definitely mentally defective, who should be placed in a separate group of cottages, and for many of whom arrangements should be made by proper legislation for permanent custodial care.

8. That an attitude of therapy be adopted in the re-education of each woman entering the institution and that her treatment while there be based on the recommendation of those who have studied her case.

9. That adequate opportunity for education in clerical, industrial domestic and outdoor occupations, besides elementary education, be furnished to stimulate ambition and encourage constructive utilization of energy in the process of re-education.

10. That physical defects be given adequate treatment, including dentistry, the correction of errors of vision and special treatment for venereal disease. That sanitary conditions in the institution be improved so that every woman, even when in punishment, can have the benefit of an ordinary bath which can be prolonged if desirable to obtain therapeutic results.

11. That an institutional spirit, an esprit de corps be built up through some modified form of self-government, the adoption of a good credit system and perhaps remuneration for work done, through recreational activities.

12. That the board of managers use its best efforts to secure funds for the erection of a modern isolation building to be located remote from the main group of buildings for the confinement of cases not responding to treatment, and that the building known as Rebecca Hall and the Disciplinary Building be then abandoned as places of punishment.

13. That section 197 of the State Charities Law, as amended in 1919 (chap, 477), be made applicable to this institution.

14. That the Legislature be asked to make the necessary appropriations asked for to provide a psychiatrist, psychologist, nursing staff, director of physical training and recreation, the urgently needed increases in salaries requested for matrons and the immediate building needs.

In the conduct of the inquiry, your Commissioner has had the cordial help and co-operation of the Board of Managers, who have at all times expressed the wish that the difficulties of the troublous situation be found. The Superintendent and her staff, too, have given every aid and facility in carrying on the investigation. The interests of the institution and its management were most capably looked after by Mr. Hays of the Board of Managers, an able counsellor who had full opportunity to call witnesses, examine and cross-examine. The inquiry has been conducted without cost to the State, other than the use of the regularly employed staff and facilities of the State Commission of Prisons.

Respectfully submitted,

J. S. KENNEDY,

Commissioner.

Dated, March 9, 1920.

LETTER FROM WILLIAM G. BARRETT TO COMMISSIONER KENNEDY

HON. JOHN S. KENNEDY, *State Commissioner of Prisons, 15 Day Street, New York City:*

SIR— As President of the Board of Managers of the Bedford Reformatory for Women, I submit the following memoranda regarding certain facts and conditions at the reformatory touched upon during the inquiry conducted by you. As I have been a member of the Board of Managers longer than any other members of the Board and desire to refer to matters which occurred prior to the beginning of their respective terms of office, it is not practical to submit a statement representing the views of the entire Board. Mr. Hays has prepared and has forwarded to you his report which I have read and which I approve, Mrs. Marquand and Mrs. Macy, who resigned as soon as the inquiry was instituted have both written you. Dr. Bailey was absent from all the hearings by reason of illness and is now in the South. I do not know whether or not he will make a report. Father Kelly and Mr. Robinson will give you their views and conclusions later. This explanation is made in response to your letter asking me to state whether a statement of mine would reflect my ideas or those of the Board.

Miss Helen A. Cobb followed Miss Mary Rebecca Moore as Superintendent of the Reformatory and was appointed and took charge in August, 1916. Miss Julia A. Minogue was appointed Second Assistant Superintendent in June, 1916, and was made First Assistant and Disciplinary Officer in August, 1916,

It is admitted by the Superintendent and the Disciplinary Officer that in a number of instances in the last three years girls have been handcuffed to the partitions of the cells with their hands behind them. It is denied that they have ever been so handcuffed when their feet could not fully rest upon the floor. It is admitted that girls have been so handcuffed, and in some other instances, that their faces have been dipped in water. It is denied that this has ever been done so that it has been injurious in any respect. It is admitted that girls have been handcuffed to their beds and also handcuffed with one hand and occasionally with both hands to the cell doors or partitions. This practice was not inaugurated by Miss Cobb and had been in vogue for years. It is denied that this has ever been done so as to cause severe pain or hardship, and that the girl was released upon request and upon the promise to be good. It is claimed by the Superintendent and Disciplinary Officer that in all such cases these methods were employed purely for restraining purposes and not as a method of punishment. As I understand it, these methods, either discipline or punishment as they may be determined, are the only ones which have been employed at Bedford to which any exception is taken.

I have been one of the managers of this institution since the spring of 1910, and president of the Board for about the last two and a half years. From the time of my appointment until the summer of 1917 I visited the institution on an average of about two or three times a month. From the summer of 1917 until the spring of 1919, I practically attended only the monthly meetings of the Board and missed one or two of these. This was for the reason that during that period I gave almost my entire time to the work of one of the exemption boards in this county. Since the spring of 1919, I have been at the institution probably on an average of three times a month.

Until Mr. Kennedy, as a member of the State Commission of Prisons, made a report last spring regarding the methods of discipline at Bedford, I was not aware that girls had ever been handcuffed in a manner that was painful, cruel or unnecessarily severe. In all my visits at the reformatory during the period mentioned, no employee or inmate, and I have talked many times to a great many of them, had ever complained to me or suggested in any way that unnecessary or painful punishment had ever been inflicted on any of the inmates. There have been many opportunities for

them to have talked to me about this. Discharged and dissatisfied employees have called at my house and also talked to me at the reformatory about their cases, but not one of them has ever said anything about cruel punishment to any of the inmates. Peter Quinn, whose testimony at the hearings and at the Ruth Carter trial has been given much publicity, called at my house regarding a raise in his wages which Miss Cobb at that moment was not willing to recommend. He never said anything to me about cruel punishment. He called at my house regarding the discharge of Robert Lobbin, the adopted son of Mrs. Shortell, who has just recently also been discharged. He said nothing to me then about cruel punishment. Robert Lobbin also called at my house regarding his discharge and said nothing to me about cruel punishment. There have at various times in the past five years been employed at my home and in the home of my father and mother paroled girls of this Institution. During their services I have talked with them about their life at Bedford and almost without exception their only comment has been that girls have been treated too well, have imposed upon the officers, and have not had enough to do to occupy their time. None of them ever mentioned the fact that they knew about or had heard of anyone who had been cruelly treated.

Mr. Wood, who, during the twenty-five years that he was president of the Board, during part of which time Miss Cobb was Superintendent, and who spent a good part of his time here and knew, I think, all of the employees and probably all of the inmates, stated at one of the hearings that he had never heard of any cruelty at the reformatory. Mrs. Marquand, who served on the Board for seventeen years and spent much time working among the inmates and officers and whose letter to Commissioner Kennedy, shows that she was out of sympathy with the Superintendent and some of the members of the Board, states also that she never heard of any cruelty to any of the inmates. During the past year and a half she has reported many times to the Board the result of her conferences with certain officers of the institution who were not working in co-operation with the Superintendent, but on none of these occasions has she ever complained about the way in which the inmates were treated. If it is a fact that the inmates had been so treated, I feel it is fair to assume that disaffected officers who have made it their business to criticise and condemn Miss Cobb would have found out about it and have brought it to the attention of Mrs. Marquand. Mrs. Macy also states in her letter to Commissioner Kennedy that while she believed Miss Cobb incompetent in some respects and was not satisfied with certain other matters in the institution that she had never heard of any cruel treatment to the inmates. I also believe that she would have been immediately advised if there had been any grounds whatsoever upon which to base it.

I believe that the Superintendent and Disciplinary Officer have not intended to conceal from the Board of Managers any method which they have employed. Mr. Quinn testified that he showed Miss Minogue when she first came to the institution how to handcuff a girl to the cell partitions with her hands back of her. From this it is fair to assume that Miss Cobb and Miss Minogue believed that the managers were aware of this method.

I knew that in extremely excited cases the faces of girls were dipped in water. This was done with the knowledge of the resident physicians. The inspectors of the State Board of Charities knew of this and mentioned it in their reports. None of these persons, more competent than I to judge of the value of this treatment, ever condemned it or recommended its discontinuance. None of these persons, and neither Dr. Russell of Bloomingdale Hospital, have been able to suggest any treatment in place of it to quiet a hysterical girl which we are now able to employ. As I remember the testimony, none of them were willing to state that they believed this method injurious or harmful.

The testimony of the officers, employees, inmates, former employees and ex-inmates is more or less contradictory. I believe that most of the witnesses, except several of the inmates and ex-inmates, endeavored to tell the truth. Part of the testimony of the latter is absurd and so exaggerated as

to be beyond all reason and not entitled to any consideration. From the testimony it is difficult for anyone not in touch with the inside life of the Reformatory to arrive at a definite conclusion as to what really has been done in regard to handcuffing. This is shown by referring to the testimony of several of the more important witnesses whose testimony Mr. Lynch continually referred to throughout the entire hearings.

Jesse Reynolds, who was employed at the Reformatory from 1914 to 1919, testified that he had assisted once in handcuffing girls with their hands back of them. His memory, however, was not sufficiently clear so that he could state how long the girl was so handcuffed. He said that her feet were entirely off of the floor. It must be borne in mind that during his five years service he observed only one case and admitted that he made no special note of the matter, and also admitted that it did not make sufficient impression upon him so that he thought it worth reporting to the President of the Board, whom he had known for many years. I believe that Reynolds would not intentionally tell an untruth. If his account is accurate, I believe that it was a most unusual occurrence and was done without the knowledge of the Disciplinary Officer.

Watkins testified that he was not much interested and did not take any important notice, but that he believed their toes only touched the floor. It was later testified that when Watkins was asked after the hearing why he had testified to a "lie" his only answer was "why did Miss Cobb discharge those people."

Burke, as a matter of fact, testified both ways, and doesn't seem to be sure of what he saw or says. It is interesting to note that while he had not heard Quinn testify that in answer to the question as to whether the girls were or were not conscious, he answered,—"I would call them all in," the exact words of Mr. Quinn.

Mr. Fish, who has been in the Institution for about fourteen years and assisted in only three or four cases, testified that he was sure that only their toes touched the floor and that the ball of the feet did not touch, but he could not remember whether their shoes were on or not. I do not see how this testimony can carry much weight.

Mannix testified that he had assisted three times and that he thought their toes only were on the floor. It is interesting to note that when Mr. Lynch staged the stringing up process in Rebecca Hall he felt it necessary to send all the way to New York for Mannix to assist Quinn when there were on the ground three guards who had assisted in more cases than Mannix.

Quinn testified that he had in three years helped string up girls about one hundred times. I do not believe this. To the question as to whether or not they were conscious, he always replied,— "I do not know where consciousness ceases," the exact expression that he used on the Ruth Carter trial. I do not believe that this expression was original. He testified that he showed Miss Minogue how to first handcuff a girl to the cell partition with her hands back of her, and that he knows that at that time the feet were always wholly on the floor. He says from that time on under the direction of Miss Minogue that practice "just grew" to lift them a little higher. It is apparent from his testimony, his manner and his attitude that he is sore, bitter and antagonistic, and I think this should be kept in mind when considering his testimony. Personally I believe very little of it. Miss MacCandie testified that Quinn told her in substance that Bedford had been a one woman institution long enough and that while his influence might not be very great, he would use it in helping to depose Miss Cobb. Dr. Conant testified that between July 24, 1919, and August 3, 1919, Quinn had talked to her regarding methods of punishment. She had been in the Institution at this time for over two years and Quinn had had plenty of opportunities to talk to her before. It is worthy of note that during the first week of August an anonymous complaint was made to the State Board of Charities calling attention to the very same matters that Quinn talked to Dr. Conant about. At one of the hearings when the President asked Quinn about this anonymous complaint which he had never seen but which the President had read to him once, he repeated it almost word for word and gave the date it was telephoned in to the State Board of Charities.

Several of the inmates and ex-inmates testified that they had been strung

up with their feet entirely off of the floor and left in that position from ten to thirty minutes. This is inconceivable and I believe a physical impossibility. Elsie Adler, who volunteered to be handcuffed with her feet off the floor begged at the expiration of one and a half minutes to be taken down, which on the advice of Mr. Lynch, her Attorney, was done.

The inmates testifying who showed no bitterness or disposition to get even and who apparently were telling the truth and had no axe to grind all stated that when they were handcuffed with their hands back of them that their feet were wholly on the floor.

Miss Cobb, Miss Minogue, Mrs. Hoffman, Mrs. Stone, and several matrons, all shown in the testimony, and some whom were present at every one of the cases which are being questioned, have all testified that in no instance was a girl handcuffed but that she could put her feet flatly on the floor if she desired.

Dr. Grover at first testified that in the few instances in question a girl could put her feet flatly on the floor. Under the cross-examination of Mr. Humphrey J. Lynch, a lawyer from White Plains, she contradicted herself and practically said that she did not know what had taken place. I believe she did not convey to the Commissioner and others present the real thoughts which she wished to express.

As above stated, I was not aware until Mr. Kennedy made a report last spring regarding this matter that girls were handcuffed with their hands back of them so that there was any question as to whether or not their feet were on the floor. Action on this report was not immediately taken by the Board because after appeals to both the State Prison Commission and the State Board of Charities, no measure to take its place was suggested. The Board of Managers, and I particularly, did not then think it was fair to say to the Superintendent "you are and must be responsible for the discipline of this Institution, you must not employ certain methods, and we have nothing to suggest in the place of the methods which we direct you to discontinue." However, at the Board meeting in August, a resolution was passed directing the discontinuance of handcuffs as a method of punishment. It will be remembered that I asked Dr. William L. Russell, in view of our lack of attendants and equipment what he would do with these cases and he said that he did not know. At the December meeting of the Board of Managers, a resolution was passed directing the Superintendent to discontinue the handcuffing of girls to cell doors with their hands behind them,—the members of the Board admitting that they had no measures to offer in its place until the time when an appropriation is obtained to allow us a psychiatrist and nurses and the necessary equipment to deal properly with the situation.

I do not approve of handcuffing a girl to any article with her hands back of her and with her feet on the floor, althought I do not believe that such act constitutes cruelty or inhuman treatment. The Board of Managers has already directed that this method of discipline be discontinued. I entirely disapprove of handcuffing a girl with her hands back of her so that any part of her feet are raised off of the floor. This would be cruel and inhuman, and I believe was never done with the knowledge or consent of those immediately responsible.

The Managers and Officers of Bedford realize perfectly well and have known for several years that when a girl screams, curses, bites, kicks and fights that she should be studied and observed and the reason for such abnormal acts determined. Our records show that we have asked the Legislature for appropriations for the equipment and attendants to obtain this result. As yet we have not been allowed this appropriation. In the absence of this equipment and these attendants, we are confronted almost daily with the problem of dealing with cases of this nature which must be on the moment solved. Admitting that we do not always know whether a girl is psychopathic or merely bad, we do know she is hysterical, irresponsible and fighting mad. We cannot permit her to continue to scream and curse and fight. This is most contagious and at once spreads through the entire corridor, the immediate building, and if not stopped, through the entire grounds. Everyone familiar with institution work knows that this cannot be permitted. During the hearings both Dr. Katherine B. Davis, and Dr. William L. Russell of Blomingdale Hospital, and there are few more experienced in work of this nature and better qualified to speak upon it than they, both stated frankly that

a girl in the condition above referred to must be quieted, and while both stated that they did not approve of some of the measures employed at Bedford, admitted that they had no method to suggest in its place, and that the immediate solution must be left to the officer having the case in charge. Dr. Davis said further that even if a psychopathic hospital were in operation at Bedford that many of these cases would not be benefited by any treatment available in it and that some other method of quieting girls must be employed. She declined, however, to state what she might have in mind, saying simply that there was no universal rule which could be applied.

All familiar with penal and charitable institutions admit that Bedford is one of the most difficult institutions in the country to discipline and manage. It is the dumping ground of many private and public institutions. This is an injustice. Not fair to those responsible for its management nor to the State which supports it, Bedford was designed for a Reformatory and equipped for that purpose. It is useless, discouraging, bad business, and defeats the purpose for which it was intended to continually commit to Bedford persons not capable of being mentally benefited by methods employed in a Reformatory. Our records show that of our entire population approximately 30 per cent are normal; 25 per cent are mentally deficient, and 45 per cent are psychopathic, epileptic and high grade morons. To continue to attempt to operate Bedford as a Reformatory with such a population is senseless and a waste of money and effort. The results properly expected from a Reformatory cannot be obtained under these conditions. It costs about $175,000.00 yearly to operate Bedford as a Reformatory. This is for maintenance and does not include special appropriations. Filled as it is with girls of almost every type and character, this is an improper expenditure as well as an impossible proposition.

In view of this inquiry and the publicity which it has given Bedford and the Superintendent, I think it is fair to very briefly call attention to the conditions which confronted Miss Cobb when she became Superintendent and which have existed since. The members of the Board of Managers have not always been in harmony. They have not always agreed on policy nor in other ways. At times there has been lack of co-operation between them and the Superintendent. There have been a number of officers in the Institution who were there when Miss Cobb came and probably have technically supported her, but have not worked with her fully and completely. In my judgment, the angel of justice could not make the place go under these conditions. Practically all of those testifying who were in the Institution when Miss Cobb came have said that the discipline at that time was about as bad as it could be, and that under Miss Cobb and Miss Minogue it has been greatly improved. The fact is that they have brought order out of chaos and have just arrived at the place where the result of their three years' work has begun to show. Reorganized as outlined in the last Annual Report of the Board of Managers and with reasonable appropriations, Bedford can achieve splendid results.

Increased and additional appropriations must be allowed to provide equipment and competent officers and attendants. The officers and employees should receive a larger wage than those of corresponding positions in other State Institutions. Some system must be devised to commit to a Reformatory only those who can be benefited by it, and many cases of the type now sent to Bedford must be sent to purely custodial institutions. It is hoped that out of this investigation some plan will grow to solve this question. The Managers of Bedford for this purpose offer their best services and all records and data at their command.

You have been most painstaking, fair, and considerate throughout the entire inquiry, which all concerned and I appreciate, and thank you for. Personally I think it accomplished no good, was a mistake, not necessary and not fair to the Institution, to give to the press the testimony of the inmates regardless of its truth. I think that Mr. Lynch was given entirely too much leeway and conducted his part of the proceedings like a criminal trial instead of an impartial investigation. I have no feelings in regard to either of these matters, but prefer not to make this statement without referring to them.

Respectfully submitted,

(Signed) WILLIAM G. BARRETT.

February 12, 1920.

LETTER FROM DANIEL P. HAYS TO COMMISSIONER KENNEDY

To HON. JOHN S. KENNEDY, *State Commissioner of Prisons:*

Agreeably to your request, I am herewith submitting to you my views and conclusions as a result of the examination which you have been conducting at the State Reformatory for Women at Bedford.

The examination was ordered by the Governor, owing to statements in the public press that the inmates of the Reformatory were subject to cruel and inhuman punishment.

These statements were based on testimony given in the trial of the case of Ruth Carter, who had been indicted for assault upon one of the matrons. It was testified upon that trial that inmates were strung up, handcuffed to the cell grating, and suspended for some time in that position with their feet off the floor; that their heads were dipped in cold water, while they were thus strung up, for such a length of time that they became unconscious; that they were fed only on bread and water for such a length of time, and for apparently insignificant offenses, as to indicate that cruelty alone could have inspired such treatment, and that they were compelled to sleep upon the bare floor of the cells.

From the manner in which this Carter case was reported by the newspapers, with sensational headlines, adapted to catch the reader's eye, the public might well have been justified in assuming that a general course of cruel treatment was imposed upon the inmates of the reformatory.

When Mr. Barrett's and my attention was called to the newspaper accounts of the trial, we attended at White Plains for the purpose of informing ourselves of the testimony, and ordering a copy of the minutes, with a view of having an investigation made by the Board of Managers.

The examination ordered by the Governor so promptly, avoided the necessity of our conducting an examination, and we thereupon united and tried to co-operate with your order to ascertain the facts.

All the records of the institution have been at your disposal, and without unnecessarily prolonging the examination we have tried to bring before you all witnesses who could throw any light upon the methods of discipline and the treatment of the inmates.

Unfortunately, the examination, without any intention on your part, developed into a prosecution of Miss Cobb, the Superintendent, and Miss Minogue, the Disciplinary Officer. This was due to the fact that in your fairness you allowed Mr. Humphrey J. Lynch, the attorney for Ruth Carter, to attend each hearing, call and examine witnesses, and cross-examine others called by you or the Board of Managers, in the spirit of a prosecutor determined to win a victory, and not in the spirit of an examiner or investigator, anxious only for the truth.

The fact that he was willing to state fully whom he represented, and the fact, of which you must have gained some knowledge, that there is an effort to impeach Miss Cobb by a dissatisfied element, some of whom have been removed by or resigned upon her request, and have made complaint to the State Board of Charities, and others of whom sympathize with such complaints, make it apparent to me that he represents those interests, and I refer to this fact only because in a prosecution of charges of cruelty against Miss Cobb, and more particularly Miss Minogue, by persons who are vindictive against them, the Commissioner should apply the rule in criminal cases in a court of justice, and require such charges to be established beyond a reasonable doubt, and should give the benefit of any doubt to those who are virtually defendants.

As I was only recently appointed a manager by the Governor, and attended the first meeting in September, 1919, I feel that I can look impartially upon the testimony which has been given, and can give an unbiased opinion upon the disciplinary management of the institution.

Whatever may have been the original intention in establishing the present Reformatory, conditions have so changed that it has become the "dumping ground" of delinquents, as Dr. Katherine B. Davis says in her testimony. Private institutions, to which offenders against the law are committed, finding themselves unable to deal with them, return them to the courts, and they are sent to Bedford.

In one instance, a gang of girls sent to the House of Good Shepherd, and returned by it to the court, for creating a riot and as being incorrigible, were sent to Bedford. These girls have been the cause of considerable trouble at this institution, and have endeavored to riot here and incite others to do so, and a number of them are among the witnesses whose testimony has been so widely published and who assert that they were strung up handcuffed, with their feet off the ground.

In addition to such "gangs" of girls being committed to the reformatory by the courts, the others committed are rarely "first offenders," but many of them have become old and hardened offenders, before they are submitted to our care.

Also, among these inmates are to be found the feeble-minded and the psychopathic, each requiring different treatment.

Among the balance of the inmates are some who do not respond readily to the reforming influences of the institution, but continually violate its rules, and often exhibit such passion and violence in their conduct as to require measures of restraint.

In an institution containing so many inmates, many of whom can be and are materially benefited by the supervision of their lives for two years or more, it is of the utmost and vital importance that the most rigid discipline should be maintained.

It appears from the testimony that when Miss Minogue undertook the duties of disciplinary officer, discipline was at a very low ebb, and as Mr. Quinn, one of the witnesses opposed to Miss Minogue, put it, "It is Heaven now to what it was then"—the cells were all filled, and no one could walk across the campus without being insulted or hearing obscene and vile language.

Under her regime it has steadily improved, and with the exception of a comparatively few inmates, whom it is found necessary to discipline and punish, the great majority are orderly and well behaved.

But the problem presents itself,—how are the unruly, who smash windows and furniture, threaten to inflict bodily injury upon the officers and matrons, and who yell, shout and curse for hours at a time when they are placed in confinement,—to be treated?

The effect upon themselves is not only to be considered, but that upon the other inmates is most important. Owing to the non-sound proof character of the buildings which are antiquated and unadapted to the purpose, their yelling and cursing can be heard upon the campus and at times in the different cottages. The effect of this upon the other girls is most prejudicial and dangerous — sometimes exciting them to hysterical manifestations.

It appears that during the incumbency of Dr. Davis and Miss Moore, girls behaving in the manner above described were handcuffed in the cells, sometimes hands and feet to the bed, and sometimes seated on the floor, to the grating of the cell. In many cases no beds were in the cells, and mattresses placed on the floor were provided at night.

During this period it was found necessary to use cold water to quiet these girls, and in one instance Dr. Davis used a hose for that purpose.

It was also found necessary, during Dr. Davis' term, to wash a girl's mouth with soap and water, in order to stop her from using vile language.

As showing the necessity for punishment, it appears that inmates during previous administrations, were confined in cells in the disciplinary building as long as four, five and six months, and in one instance, for fifteen months.

I am referring to this method of discipline conducted under one of the ablest women of the present generation, as showing the necessity for allowing to superintendents of such institutions some leeway in the handling of such cases.

It is conceded that under the present administration inmates of the violent and turbulent character above described have been handcuffed with their hands behind their back, to the cell grating, with their feet standing on the floor, and in a number of cases, while so standing, their heads have been doused in cold water.

Whether this method can be called more cruel or archaic than applying the water with a hose, is only a question of degree, because in my judgment both are archaic and unsuited to present day management of an institution such as the Bedford Reformatory.

If cold-water treatment is to be applied, it should be done under the care of a physician and nurses, and provision should be made by the State, as hereinafter urged.

But it is now charged that inmates were handcuffed to the cell grating and "strung up" with their feet off the floor, and that they were allowed to remain in that position for some time.

This statement I firmly believe to be false. It bears upon its face all the elements of untruthfulness, improbability and impossibility.

Such treatment would tend to throw the arms out of their sockets, and impose other physical injuries upon the subjects which would evidence themselves for some time after.

There has been no evidence given showing any such injuries.

From your own experience, questions put to physicians by you and the example of Elsie Adler, when she allowed herself to be handcuffed with her toes resting on the ground, I am quite confident you will not place any more reliance on this testimony than I do.

In this connection, let me call your attention to the fact that when Elsie Adler was so handcuffed to the grating of the cell that her toes only rested on the floor, she could only stand it for one and one-half minutes, and then cried to be taken down, and when released showed signs of great physical strain and suffering.

Dismissing, therefore, this charge as false and improbable, I now come to the charge that inmates who have become so violent as to need restraint and who were cursing, smashing and yelling, were restrained by handcuffing them to the cell grating, with their hands behind them, so that their toes only rested on the ground.

Such a method of restraint, whether heads were dipped in cold water, or the subject was left in that condition until she became or promised to be quiet, I regard as cruel, and not a proper method of punishment or restraint to be resorted to.

As to whether such treatment has been applied to inmates, it will be for you to determine, and I do not consider it my duty to sift out the evidence with a view of influencing your opinon.

I desire to say, however, that knowing the existence of a group who are opposed to the present superintendent and her assistant, and who have made complaints to the State Board of Charities, in regard to their forced resignations, I am quite convinced that they are the real plaintiffs in this prosecution, and that the testimony produced by them must be sharply and critically examined.

I do not believe that any inmate was intentionally "strung up on the toes," as the prosecution would try to make you believe.

I do believe that when the girls were so handcuffed to the cell grating, with their hands behind their backs, that it was necessary to lift them up, as Quinn and other guards have testified was done, because otherwise their hands would have been so low, that their bodies would not have been straight. I also believe from the statements made by Miss Cobb and Miss Minogue, as to the experiments they made, that it would be the natural tendency of a person so handcuffed to rise upon the ball of her feet or upon the toes in order to relieve themselves from the strain, and this explains the testimony of witnesses who saw them on the balls of their feet, or on their toes. But it seems to me as I have said that it is unnecessary to argue upon this point, for if it was done in any cases, I condemn it and would not sanction it in the future.

The Board of Managers has gone so far now as to abolish the use of handcuffs as a means of punishment or restraint, except to convey inmates who are violent across the campus.

I am not entirely satisfied that we are not yielding to and being guided by an hysteria that has arisen by reason of the sensational reports in the public press and the consequent hastily formed opinions of those who read them. We shall try to get along, however, without using them, in the hope that by the installation of a psychopathic ward in the near future and the separation of the feeble-minded group, we may be able to master the problem.

Before referring to what I consider the essential needs of the reformatory to enable it to cope with this matter of discipline, I desire to say that the

administering of a bread-and-water diet to girls under punishment does not seem to me to have been abused, or to be subject to criticism, and that the charges made by some of the inmates that they were compelled to lie on the bare floor of the cells and in the water, are also untrue. The inmates who were subjected to this cold-water treatment were carefully dried by the matrons in charge; the cell floor was wiped up, and a mattress given to each girl, where it was found necessary to remove the bed.

In considering the question before you, you must also bear in mind the lack of means provided by the State for dealing with the problems at the Bedford Reformatory, and the very essential and needed changes which can only be made by help from the State authorities, and I would, therefore, call your attention to what I consider the most urgent.

First, I believe that the feeble-minded should be separated from the rest of the inmates, as it is clear that they require special treatment.

Second, that there should be established a psychopathic ward, under the charge of a psychiatrist, with nurses and assistants to deal with the psychopathic inmates, who being thus separated from the other inmates, could receive such scientific treatment as would tend to abate their excitement and hysteria.

In order to carry out this plan, it is urgently necessary that money should be appropriated by the State. Without such appropriation, we have no means of dealing with psychopathic patients.

Our hospital is not available, as testified to by the physicians, and our present physicians have neither the time nor the nursing force to deal with such cases.

Third, there will always be a class of inmates not psychopathic, who will require discipline.

Under present conditions, all we can do is to confine them in cells.

It is perfectly apparent that this is not an intelligent way of dealing with them. It should be in the power of the disciplinary officer to keep these girls constantly occupied, and then perhaps their confinement at night away from the other inmates might produce some beneficial result.

As it is now, owing to a lack of officers, these girls are and have been kept in confinement with only a few minutes' exercise daily. They cannot always be given sewing or other such occupations indoors, because their riotous conduct will not permit it.

What the institution needs is an appropriation sufficient to enable it to employ competent female officers and guards who can take these women out every day and either keep them at work or give them plenty of exercise by walking.

Fourth, the institution needs a more intensive industrial programme for its inmates.

As the only way to benefit the inmates is to give them such training as will help them to find a place in the industrial life after their discharge, each individual case should be studied in the Reformatory, and the inmates kept busy at such work as she seems adapted to and as will fit her to earn a living when discharged.

While we teach sewing, dressmaking, stenography and typewriting in the school, it is done in a limited way because of the lack of money appropriated for that purpose.

Not only should the present work of the school be enlarged, but facilities should be provided to teach other industries, such as knitting, caning chairs, repairing broken furniture, and any other kindred trades which girls could learn and which would be useful after discharge.

Also, there should be employed a director of amusement, to look after the recreational side of the lives in our care.

My idea is that if the girls are kept occupied during working hours, and given recreation to brighten their lives, that the discipline of the institution will be a much simpler matter to regulate, and the cells will not be so often occupied.

If the State is not willing to appropriate sufficient money to carry out such a programme, we must expect the problem of discipline to be incapable of solution, and in place of modern methods, we must not be surprised if disciplinary officers are compelled to resort to methods which may be the

subject of criticism, but which may become necessary to prevent rioting and disorder.

You have been most patient and painstaking in your examination into the methods of discipline used at the Reformatory.

I am sure you must be convinced that no inmate has ever been injured in any way by her treatment; that no intention to be cruel has ever existed or animated those in charge of discipline, and that the use of handcuffs, in whatever way they have been used, has been because to those in charge there seemed to be no other method of restraint.

If you could find it within the purview of your report to the Governor to make some suggestions as to methods of punishment or restraint to be employed against those inmates who are simply bad without being psychopathic, and in addition, call the Governor's attention to the difficulties we labor under and the necessity for a proper appropriation to meet our needs, I am sure the investigation which you have so ably conducted will be fruitful of beneficial results.

It would also seem important to call attention to the small salaries which are paid to our matrons, guards and other employees, which makes it impossible at least to fill vacant places with competent people. The State pays less than a private employer, and the result is that some of our matrons, officers and carpenters have left to accept employment at a higher wage.

If superintendents are to be criticised for their methods of discipline, the State at least ought to make it possible for them to employ capable and sufficient officers and help to enforce discipline, by the use of the most modern and approved methods.

Respectfully submitted,

DANIEL P. HAYS,

Manager.

LETTER FROM PEARCE BAILEY, M. D., TO COMMISSIONER KENNEDY

Wilcox's, Aiken, S. C., February 8, 1920

DEAR MR. KENNEDY.— I am somewhat at a loss to reply to yours of the 4th, as my illness has kept me so out of touch with recent happenings. I have not seen the minutes of your hearings at Bedford, nor do I know what will be said in the reports of the members of the Board of Managers.

In general, I may refer you to the last report of the Board to the Legislature as representing my views. At Bedford, it seems to me that the problem is to such an extent a psychiatric one that ample facilities for treatment along psychiatric lines should be provided. There should be a few experienced nurses. But I personally would go further and say that the ideal arrangement would be for the Superintendent to be a physician with training in nervous and mental disease. A psychiatrist on the staff, which we asked for, would be a step in advance, but there is danger of a conflict of authority if disciplinary matters should be handed over to him, as many of them ought to be.

I do not believe in corporal punishment of inmates, and do not believe that they they are necessary if the institution is properly equipped with personnel and hydrotherapeutic appliances.

Perhaps there are other things that you want my opinion about. I shall be glad to answer any questions, either by letter or personally, after my return, about the 20th of the month.

Yours very truly,

(Signed) PEARCE BAILEY.

STATE OF NEW YORK

COMMISSION FOR MENTAL DEFECTIVES, 105 EAST TWENTY-SECOND STREET, NEW YORK CITY

February 27, 1920

DEAR MR. KENNEDY.— In response to your inquiries of the 19th, I would say that my knowledge of Bedford affairs is recent. Almost immediately after my appointment to the Board I entered the army, and was not in these parts

until last spring. On returning, I visited the Reformatory frequently, and attended all the Board meetings, many of them special.

My first introduction to the problem of discipline took place last April, when Mr. Tremain and Mr. Johnson met the Managers for the purpose of discussing the question. As a result of this meeting I retained the impression that hand-cuffing as punishment, stringing up, and similar procedures, would not be tolerated by the inspecting authorities. I thought that that day marked the end of such practices at Bedford.

In July, an anonymous letter sent to the State Board of Charities, and forwarded to me by Mr. Johnson, said that the practices had again been resorted to, and gave dates and names. As a result of this letter Mr. Barrett, the President of the Board, and I went immediately to the Reformatory and interrogated Miss Minogue, the then acting superintendent. We ascertained that some at least of the charges in the anonymous letter were substantially correct. Mr. Barrett then directed that the use of handcuffs as a means of punishment be discontinued. There was no record kept of this meeting, but as the minutes of the Board show, Mr. Barrett's action was confirmed at a subsequent Board meeting.

The only other time that I visited the Reformatory in special reference to the subject of discipline was one evening, perhaps in September, when I was requested to come by Miss Cobb. There were a number of unruly girls in Rebecca Hall, and a riot was anticipated in transferring some of them to the Disciplinary Building. After a few minutes' talk, the girls quieted down, and there was no disturbance. The girls had not been "strung up," and I may say here that I never saw a girl either strung up or ducked. In fact, after the talk Mr. Barrett and I had with Miss Minogue in July, I did not believe that these methods were being used, and only learned the contrary the day I was taken ill in November.

Now, while I do not believe that the "restraint and treatment" referred to in your letter are necessary, I do not believe that these were practiced in a cruel manner. Also it should be borne in mind that it is one thing to be an outside observer, and quite another to be immediately responsible for a group of maliciously mischievous girls who enter into a combination to "put the place on the bum." In justice to our superintendent it must also be said that she doubtless believed that what she did would have been done by most superintendents similarly placed.

My personal view is that while physical punishment may seem good at the time, it seriously impairs the general morale of the institution and that no institution can attain its ends of reform where it prevails.

Although I have no one in mind, I believe that a competent woman physician trained in psychiatry could be found who would make a satisfactory superintendent. But I am so firmly convinced that psychiatric knowledge and experience is a requisite qualification to a superintendent of an institution where only a minor proportion of the inmates are mentally normal, that if no woman can be found the statute should be amended so that a man would not be excluded from the position.

Yours very truly,
(Signed) PEARCE BAILEY.

LETTER OF REV. THOMAS B. KELLY TO COMMISSIONER KENNEDY

The Honorable JOHN S. KENNEDY, *State Commissioner of Prisons,* 15 *Dey Street, New York City:*

DEAR MR. KENNEDY.— I take pleasure in submitting to you my views and conclusions concerning the subject of the recent inquiry held by you at the Bedford Reformatory — the method of discipline and the charges of alleged cruelty.

While I have been a member of the Board of Managers for only a year, still my close personal contact with the inmates and officers is very much longer. October 2, 1911, upon my appointment as pastor of St. Francis, Mt. Kisco, I was also appointed, by the late Cardinal, Catholic Chaplain to the

Reformatory. This institution is not a part of my parish; but because of the ill-health of the local priest, I was appointed to look after that part of his work. Upon the appointment of the present pastor, Fr. Scanlon, I turned over to him the spiritual care of the Reformatory.

My connection as chaplain with the institution lasted about seven years, during which period Miss Davis, Miss Moore and Miss Cobb were successively superintendents.

With the Catholic part of the population, both officers and inmates, my relations were most intimate and confidential; and I had an exceptional opportunity of learning the attitude of both towards each other and towards the Superintendent; and also of observing the effects produced by each administration.

At various times during those seven years, I visited both the Disciplinary Building and the cell block in Rebecca Hall, and spoke to the inmates confined therein; but while there was almost always a claim of injustice concerning their confinement, there never was the slightest complaint about cruelty — this even with girls who chanced to be handcuffed to the gate of the cell at the time.

Miss Cobb was Superintendent a year or more before I ceased to act as Chaplain. While I found her rather abrupt in manner, still I found her always eager to help in any way my work among the girls. She knew it meant the spiritual betterment of the Catholic inmate, and that it was, consequently, an important factor in the reform, contentment and good conduct sought by the institution. My impression was always that she was constantly striving for the reform of the individual girl through the fostering and developing of her better instincts.

From what I know the Institution during the past eight years — seven years as Chaplain and one as a member of the Board of Managers — I am convinced that the charges of cruelty or inhumanity are baseless.

The declarations of Mr. Barrett and of Mr. Hays as to the iniquity of cruelty, especially towards the wards of the State, are also mine; so I omit to go into the details of the alleged specific instances. But I would ask you to contrast, for example, the sworn testimony of Elsie Adler as to being strung up, and the duration of the exhibition staged by her and Mr. Lynch.

Opinions may differ as to whether hand-cuffing is a punishment or a means of restraint. The motive for the hand-cuffing will have to be taken into consideration. But I do not consider it either cruel or inhuman when it does not inflict pain, immediate or subsequent. A bread and water diet is a punishment, but it becomes cruel or inhuman only when the quantity given is too small to satisfy hunger, or its prolongation inflicts pain. I don't believe that either the hand-cuffing or the bread and water diet were ever given at the Reformatory for the purpose of inflicting pain.

My personal belief is that this investigation was motived by the hostility of certain persons, mainly discharged or disgruntled officers, toward the Superintendent; and who, to satisfy their rancor against her, were willing to befoul the institution and wreck its discipline, caring not who might be buried in the ruin.

The animus was perfectly plain from the attitude of Mr. Lynch who tried to discredit everyone connected with the institution. He had prejudged the institution and he strove so to twist the testimony as to arouse a like prejudice in the minds of others.

But now that the storm is over, and while for a season, the discipline of the institution is upset, I expect that a great deal of good will result from the turmoil. It will clear the good name of those who have been assailed, it will make more manifest to the Governor and Legislature the peculiar problems to be solved at the Reformatory, and the need of better support for those who, under most disheartening conditions, are striving to do that most necessary work for the erring. To you we look with confidence for guidance and help during the period of recovery.

Permit me to thank you for your open mind and fairness during the investigation. I know that you will deal justly with those devoted women who, amid so many things to dishearten, are always striving to the best of their ability to save those girls for God and the State.

Sincerely yours,

(Signed) THOMAS B. KELLY.

LETTER OF GEORGE B. ROBINSON TO COMMISSIONER KENNEDY

Bedford Hills, N. Y., February 24, 1920

DEAR MR. KENNEDY.— I have your letter of the 21st inst. I had expected that a statement, to be signed by all the Board of Managers, would be prepared for you long since. The President has just forwarded to me copies of statements submitted to you by himself and Rev. Father Kelly. I approve, generally, of all they have said and take exception only to Mr. Barrett's reference to lack of co-operation with the Superintendent, by some members of the Board of Managers, which made more difficult her situation in conducting the reformatory.

Since I became a member of the Board of Managers in 1916, I have not noticed any lack of disposition on the part of any Manager to co-operate with Superintendent Cobb. This applies to those Managers who have resigned — Mrs. Marquand and Mrs. Macy, as to those constituting the present Board.

I had never known of the use of handcuffs on the inmates, with hands behind their back and fastened to iron gates, and certainly these cases should always have been brought to the knowledge of the Board of Managers. I would never consent to such practice under any circumstances. It would be perfectly natural for the girl to struggle in trying to relieve herself in such a position and to give the appearance of being strung up from the floor.

As your inquiry referred only to the methods of discipline and punishment I do not feel called upon to refer to other subjects in connection with the management of the institution.

Thanking you for your courtesy in giving me an opportunity to say even this much and appreciating the methods you pursued in conducting your inquiry, I am

Very sincerely yours,
(Signed) GEO. B. ROBINSON.

Housing Conditions

Urging Legislation, for the Adoption of a Constructive Policy and Transmitting Report of Reconstruction Commission

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 26, 1920

To the Legislature:

We have been afflicted since the war period with all kinds of profiteers. Those who have taken advantage of our necessities in food, in clothing, in almost every essential in life, and particularly now in the matter of rents. We can find a protection for ourselves from the clothing profiteer by doing without, and making our old clothes go a little further. We have found some measure of protection from the food profiteer by seeking out the large markets in which to bargain for food. But the dweller in another man's house is helpless when it comes to profiteering. Nothing is more certain in life than rent day and when it comes around we must pay. Profiteering landlords are unpatriotic. They are displaying the same spirit of greed and selfishness that has been an underlying cause of the difficulties through which we have been passing in the last five years. They are a class which desires to make money illegitimately, rather than to earn it.

Greed for power convulsed the world. Following in the wake of war, greed for money is rocking the foundation stones upon which

Democratic government rests. If it continues, we might well say that we have returned to the law of the cave man — the law of the sharpest tooth, the angriest growl and the greediest maw.

At the beginning of my term of office, I spoke of the need for setting the State on its way to finding a constructive solution of its housing difficulties, then only just becoming apparent in acute form. Later, in appointing the Reconstruction Commission, I especially charged it with the duty of framing a permanent housing program for the State. Soon after the appointment of the Commission an acute housing situation developed, due to the effects, then just made evident, of a shortage of dwellings caused by the cessation of building operations during the war. Building ceased — but not the normal growth of the population.

Your own Honorable Bodies, becoming conscious of this condition late in the legislative session, appointed a joint legislative committee on housing and rent profiteering.

At last we have a social problem to solve whose pressure has been felt by rich and poor alike — and it is largely due to that fact that there is such readiness to seek a remedy — and such sympathy here in the Legislature as well as throughout the State, for the enactment of the broadest kind of legislation that holds forth any hope of meeting the situation.

Of course the upheaval due to the war has altered our living conditions. It has, however, and most fortunately, also made a change in our attitude and brought about a willingness to consider new responsibilities for the State differing somewhat from our deep-rooted policy of individualism.

Last summer during the special session of the Legislature called to ratify the Suffrage Amendment, four statutes were enacted that we were assured held a certain remedy for the housing situation as it existed at that time. The first liberalized the Savings Bank Law and permitted savings banks to loan money on buildings in the course of construction.

The second extended the period of notice from ten to twenty days in the interest of tenants holding over.

The third permitted a stay to be granted in summary proceedings against a tenant on making a deposit according to the amount of rent due.

The fourth made a radical change in the Tenement House Law, and permitted the alteration of a certain class of houses, which we were informed would make possible accommodations for 20,000 families.

I am not in a position to say what relief grew out of the three first mentioned statutes but the amendment to the Tenement House Law, which was expected to bring the greatest relief, failed in its purpose, as records show that not more than six operations were undertaken under its provisions.

There are two distinct and fundamental divisions to the housing problem. It is by no means so simple as it seems. There is the immediate, pressing shortage of dwellings. This is the primary cause of high rents and affords opportunities to the sharks that

always stand ready to prey upon the people and to profiteer by their necessities; and there is the permanent housing problem of the State, complicated, and requiring a constructive program of years of effort and study to make progress. And even these two divisions of the problem differ in their solutions in the large city of New York and in the cities and towns outside.

Attention centers on the housing shortage and the abnormally high rents it causes. These are prevalent in every corner of the State. But many of the communities are alive to the real solution — which is more houses, and have arranged in most praiseworthy manner to provide it. Housing corporations have been formed through the progressive efforts of Chambers of Commerce and co-operation by business men, to arrange to loan to home builders the necessary financing for their undertakings.

Large scale undertakings are being intelligently planned, that being the only possible way for building at all with the present high costs and I am certain that the Spring will see great activity throughout the State. No better type of citizen or more stable kind of worker exists than the man who has a stake in his own home.

Poughkeepsie, Lockport, Elmira, Cohoes, Albany, Jamestown, and many others, all have such building programs worthy of encouragement; and I hope no obstacle will arise to block them.

Even in New York City a program of building might go forward were there not so many discouragements to those engaged in the industry. Instability of labor conditions, shortage and high cost of materials, are all involved in the present stagnation of the building market there. It should be possible for those engaged in the industry to come together and overcome the material obstacles to an increased program.

Last May I stated that more building, properly undertaken, was the only real remedy and I still think so. I should like to see a more earnest effort made among those in the building trades to eliminate the trade obstacles, and I am certain that money and other interests needed will be forthcoming.

In the meantime, we have a temporary situation that must be met. Serious consideration should be given to any measure that seems to afford relief. No doubt the Joint Legislative Committee of your Honorable Bodies, after seven months of study, will have some solution to offer. I am ready to go with you as far as the constitution of the State permits.

On the other hand, all parties to the industry ought to stretch a point. The loaning institutions ought to be reconciled to the higher costs and recognize them actually in figuring the percentages of their loans, and labor and employers in the building trades should lay aside their quarrels and wait a time when strikes would not affect so many of their own people, before forcing issues that might well be laid aside in the public interest.

This acute situation arouses us to the permanent housing problem and our responsibilities towards its solution.

In this, we are not facing a new situation. We are distinctly dealing with conditions that have arisen over a period of many

years, and we should capitalize for the State the best thought and the most recent experience along these lines. The temporary amelioration of our acute difficulties in meeting this housing shortage and the consequent raising of rents, does not reach the fundamental causes of the present housing crisis.

Let us not lose sight of the fact that one very large part of the population of the State has not had any new homes built for it in many years. With increasing cost both of land, building materials, and labor, we cannot look forward to the possibility of supplying the workers of the State with decent homes in wholesome environments unless we make some fundamental changes that will encourage workers to build their own homes, that will assist in working out plans of co-operative ownership, and that will enable such large-scale planning of model dwellings as will prove economically sound, executed in such manner that the dwellings are safeguarded against excessive profits on the investment, and that rental values are kept within a reasonable return.

The Housing Committee of the Reconstruction Commission has made a very careful study of the whole housing problem as affected by present and possible methods of financing, city planning, land values, taxes and assessments, modern types of buildings, and the congestion of population in our cities. The report of the Commission, with its fundamental recommendations, is transmitted to you herewith.

I call your special attention to the figures presented in the report on New York City. They prove that by actual demolition of old buildings there are today nearly four hundred less apartments than a year ago. In other words, there has been so little dwelling construction, that the number of available apartments has not remained equal to that of January, 1919, and the new ones constructed, due to old ones destroyed, have not caught up with the demand, but there are, by actual count, less apartments available than a year ago.

In other cities of the State, the shortage is, proportionately, no less acute.

That part of the Reconstruction Commission's report which deals with the survey of the tenement house districts of New York, and which pictures present conditions, points out only too clearly the evils from which we are suffering. The conditions become apparent when we realize the figures. In 1916 there were over fifty thousand vacancies in the old law tenements in New York—meaning houses which were built more than twenty years ago, and which were not subject to the improvements called for by the Tenement House Law. Over thirty thousand of these have since been occupied. Such vacancies as existed, and those that still exist are in houses that are not habitable by human beings, but, due to the fearful shortage, people are being driven down and down and packed tighter and tighter at the bottom.

This must eventually have a most evil effect upon our population. Since this class of housing can, under no circumstances, be considered profitable, no private investor will ever build it again, and it is for the relief of these conditions more than any other that a permanent housing program is necessary.

As one phase of this that may give relief, I transmit to you herewith also a program for a housing competition to be carried on under the joint auspices of the Reconstruction Commission and the Joint Legislative Committee on Housing, whose purpose you will see, is set forth as a competition among architects to endeavor to find an economical solution for the utilization of these old blocks of houses. The purpose of the competition is to see whether it will be profitable for private ownership to utilize them, or whether the situation with relation to this is so hopeless that all we can do is tear them down and rebuild. It will be of great value, even in the present crisis, if some means of utilizing those houses and making them habitable is found, because alterations can be much more quickly accomplished than new building projects, and the saving in time may help us to get an improved situation.

The Commission has presented a majority and minority report. The majority report provides for the creation of unpaid local housing boards, or agencies, in cities having a population of more than ten thousand, and also recommends a co-ordinating state agency equipped to advise on matters relating to housing, city planning, building code regulation, and methods of finance. This agency, in my opinion, might well be placed in the Industrial Commission, and no new governmental division need be created. The local boards could be made up of officials concerned with housing and a few citizens of understanding and ability to deal with the problem.

The minority report concurs in the creation of such bureaus, but differs somewhat in its interpretation.

Other recommendations made will receive your careful study, I have no doubt, and I will be pleased to confer with you as to the best methods for carrying this program into effect.

I urge upon you to consider this report carefully and to enact into law its recommendations as speedily as possible to the end that we may have not only temporary relief but a constructive policy for the future. We have been proceeding for years on an ostrich policy with relation to housing. We have hidden our heads in the sand, and refused to look the situation in the face, and now it has become such that it is forcing itself on our attention in no uncertain terms, and I fear great suffering if we do not take action.

(Signed) ALFRED E. SMITH.

REPORT OF THE HOUSING COMMITTEE OF THE RECONSTRUCTION COMMISSION

MARCH 22, 1920

To the Governor:

In your message of January 20, 1919, appointing the Reconstruction Commission of the State of New York, you instructed us as follows:

> "It is immediatelly necessary that the Commission examine carefully the housing conditions of the State. I ask the Commission to make every endeavor to secure the fullest information, and after carefully studying it to recommend either legislative or executive action. The war made apparent how fundamental adequate housing is in relation to

labor supply. I am particularly anxious that we find a solution of our housing difficulties that looks to the future and that a program may be initiated that will make for the permanent welfare of the State."

In accordance with this request the Commission appointed a Housing Committee of the following members, with John Alan Hamilton of Buffalo, Chairman:

Dr. Felix Adler; Mr. Peter J. Brady; Mrs. Lewis S. Chanler; Mrs. Wm. H. Good; Mr. V. Everit Macy; Mr. Alfred E. Marling; Mrs. Walter W. Steele; Mr. M. Samuel Stern; Mr. Arthur Williams.

Mr. Clarence S. Stein, of New York, volunteered his services as Secretary to the Committee and his untiring efforts the Committee hereby acknowledges with appreciation.

The Committee associated with itself an Advisory Committee in New York city, and one to assist it in considering up-State problems. The members of the New York City Committee were:

Mr. Walter Stabler, of the Metropolitan Life Insurance Company, and Mr. Walter Lindner and Mr. Clarence R. Kelsey, representing loaning institutions which finance housing.

Mr. Robert D. Kohn, Mr. Burt L. Fenner, Mr. Andrew Thomas, Mr. Fred Ackerman and Miss Marcia Mead, architects.

Mr. Edgar A. Levy, Mr. Alexander M. Bing, Mr. G. Richard Davis and Mr. Frank Ray Howe, builders.

Mr. Allan Robinson, representing building and real estate as typified by limited dividend corporations.

Mr. Edward M. Bassett, of the City Plan and Zoning Committee.

Mr. Franklin Wells, social worker.

Dr. E. P. Roberts, of the Urban League.

Mr. Lawson Purdy, former Tax Commissioner and Manager of the Charity Organization Society.

Ex-Senator Charles Hennessy, of the Franklin Society, expert on building and loan associations.

Mr. John J. Murphy, former Tenement House Commissioner.

Mr. Frank Williams, expert on city planning.

The Members of the up-State Committee were:

Mr. Frederick Almy, Secretary of the Charity Organization Society of Buffalo.

Miss Ann Austin, social worker.

Dr. George Stainland, former Health Commissioner of Buffalo.

Mr. Edward B. Green, Mr. Edward B. Green, Jr., Mr. Thomas W. Harris and Mr. Albert Hart Hopkins, architects.

Mr. Frank Smearing, Assistant Health Commissioner of Buffalo.

Mr. Dexter P. Rumsey, President of the Buffalo Housing Company.

Mrs. Walter W. Steele, President of the Federation of Women's Clubs.

Mr. Howard Bissel, banker.

The Committee received valuable assistance from its Advisory Committees.

The Committee held hearings and conferences in New York city, also hearings in Buffalo, Syracuse, Rochester and Albany, and a number of hearings in co-operation with the Joint Legislative Committee.

The Committee had hardly begun its study of the broad problem outlined in your message, when it was necessary for it to turn its attention to the solution of the housing emergency, apparent in March, 1919, but less acute than at this time, the symptoms of which were the distress caused by rent increases, the overcrowding of housing facilities and the resultant lowering of the standard of living throughout the State. The situation in New York city was particularly grave a year ago, and is more so now. After a thorough study, which is outlined in this report, a majority of the Housing Committee has reached the conclusion that no temporary solution will serve to meet our present housing difficulties. To supply that need will take years, during which the shortage creating the emergency will continue to exist. If all the money available in the New York market and throughout the State were put forward tomorrow, it would be impossible to build even in

a year, utilizing every bit of man-power or material available, houses enough to take care of the shortage.

What the Commission has done is to set forth a constructive program that will prevent, in our zeal to build, the repetition of the housing mistakes from which we suffer now. Building has been looked upon as a speculative investment. This element will have to be minimized if our working population is to have an increased number of houses. If properly adopted in its entirety it will mitigate the emergency and develop a policy.

To legislate against rent raising will not help to supply the need of more housing. Legislation, temporarily postponing the suffering of the dispossessed is desirable. It serves as does arbitration between tenant and landlord to ameliorate the condition of some of the victims of the present emergency. These do not help in the slightest degree to meet the real present housing needs. There is an insufficient supply of decent houses. As a result a large part of the population is housed in a manner detrimental to the health and safety of the community.

The present acute condition of the housing situation was brought about by conditions arising from the war. Partially at the request of the government, partially through lack of sufficient labor and material, the building of houses almost completely ceased during the war. Increased costs, difficulty of securing sufficient loans, insufficient building materials, labor troubles — these are the more apparent, but not the more fundamental, causes that have tended to prevent the building of sufficient homes since the signing of the armistice. After a lengthy study, we have concluded that the fundamental causes of the present housing crisis are no different than the causes of the evil housing conditions that have long existed in this State. The two problems are essentially the same. The present crisis is the result of past tendencies. It has been accentuated by conditions arising out of the war. This does not imply that the present situation does not call for both emergency and curative treatment — since it has been allowed to become acute. But without fundamental changes in our methods of supplying houses, we cannot hope to secure a sufficient supply of homes for the workers of the State.

It is economically unprofitable now, it has been economically impossible for many years past to provide a large part of the population of this State with decent homes according to American standards of living. Decent homes and wholesome environments in which to bring up children cost more than most workers can afford. It is impossible, to supply the population of this State with decent homes, unless the cost of living be reduced.

The Housing Committee has carefully studied the various factors that enter into the cost of housing as follows: (1) Land, (2) taxes and assessment, (3) money, (4) planning, (5) building, (6) management. The conclusions of the committee in regard to possible methods of securing improvements and economies in each of these spheres will be found in the body of this report. As a result of its study, the majority of members of the Commission make the following recommendations:

1. It is recommended that a law be enacted providing for the appointment of local housing boards in communities having a population over 10,000, the members of such boards preferably to serve without pay, and for the appointment of a central State housing agency for co-ordinating local effort. The function of the central and local boards shall be:

a. Aiding each locality in meeting the immediate pressing need for sufficient homes.

b. Collection and distribution of information relating to housing and community planning.

c. To assist in the preparation of housing laws, zoning ordinances, statewide reguatory or restrictive housing and building codes, etc.

d. Study of the means of lowering the cost of housing through better planning and construction of homes and through their proper location.

e. Development of a means for using State credits to apply to housing at low rates of interest without loss to the State. To set the standards for the use of such credits and to fix limitations upon the return of money

borrowed from the State for housing purposes, so that its use shall assist in the most practical manner possible in the erection of adequate homes in wholesome environments for workers at a rental cost dependent on the actual cost of land and building. This work to be preparatory to the final passage of a Constitutional Amendment suggested as 2.

2. The enactment of a Constitutional Amendment permitting extension of State credit on a large scale and at low rates to aid in the construction of moderate priced homes. This does not mean that the State itself shall build such homes. It does not mean that the State is to own or operate houses. It does not mean that the State is to offer subsidy for the construction of houses. It does mean that the State shall be enabled to loan money on its credit to limited dividend corporations or to individuals or to other organizations of individuals to build houses of such standards, as to light and air as the State or community may determine to be desirable, the rentals of such houses to be controlled and the loans to be secured by adequate mortgages. There are many methods by which State credit might be made available. It should be one of the first duties of the Housing Bureau and the local boards to make a thorough study of this matter.

3. Exemption of the bonds of the State Land Bank from State and Federal taxation.

4. Passage of an enabling act permitting cities to acquire and hold or let adjoining vacant lands, and if necessary to carry on housing. This legislation would permit conservation of the increment of land values for the benefit of the community creating it.

EXISTING CONDITIONS

There is an Insufficiency of Housing.—No statistics are necessary to prove the need of more houses in New York city and throughout the State. The stories that appear daily in the newspapers of the suffering of the dispossessed and those unable to pay the increased rentals are sufficient evidence. However, so that it may be possible to meet the present need intelligently, we have estimated the actual shortage of houses in New York city.

Actual Present Need in New York City.—The real present need of apartments in the city of New York is approximately 40,000. This estimate is based on statistics compiled by the Tenement House Department as to the number of houses erected and destroyed each year. It assumes that the increase in population during the last three years has been at least equal to the normal increase. It takes into consideration the use of thousands of old houses, which in normal times are vacant. The following table shows the number of tenement houses and the number of apartments that have been completed in each borough of the city of New York during the years 1914–1919, inclusive:

NEW LAW TENEMENTS ERECTED IN NEW YORK CITY

Borough	*Tenements*	*Apartments*
1914		
Manhattan	119	4,125
Bronx	232	5,626
Brooklyn	608	8,615
Queens	281	2,179
Richmond	2	32
New York city	1,242	20,577
1915		
Manhattan	143	4,783
Bronx	313	7,271
Brooklyn	641	9,415
Queens	268	2,148
Richmond	.....	.....
New York city	1,365	23,617

Borough	*Tenements*	*Apartments*
1916		
Manhattan	154	5,021
Bronx	300	7,220
Brooklyn	534	7,328
Queens	219	1,790
Richmond	.....	.....
New York city	1,207	21,359
1917		
Manhattan	113	4,077
Bronx	131	3,609
Brooklyn	376	5,314
Queens	139	1,238
Richmond	1	3
New York city	760	14,241
1918		
Manhattan	16	714
Bronx	24	742
Brooklyn	62	943
Queens	28	307
Richmond	.....	.....
New York city	130	2,706
1919		
Manhattan	5	144
Bronx	19	694
Brooklyn	58	576
Converted	1	3
Queens	6	64
Richmond	.....	.....
New York city	89	1,481

In addition to the apartments enumerated there were on December 31, 1919, in course of construction as follows:

Manhattan	30	1,169
Bronx	49	1,821
Brooklyn	198	1,771
Converted	19	58
Queens	45	556
Richmond	.....	.....
New York city	341	5,375

Construction on a number of these buildings has been discontinued on account of the great increase in the cost of wages and building materials since the time when the construction was commenced.

It is apparent from the above tables that the average number of apartments erected each year from 1914 to 1916 inclusive was 1,271 buildings, containing in all apartments for 21,517 families. If this same rate of building had continued there would have been erected during the years 1917, 1918 and 1919, 3,813 buildings, containing 64,551 apartments. As a matter of fact, however, during the years 1917 and 1918 only 890 tenements were erected, containing 16,947 apartments. This meant that if during those two years the population continued to increase at a normal rate, there would be a shortage of 1,652 buildings or 26,087 apartments. Early in 1919 it was

apparent that there was a great scarcity of homes and it was to be assumed that every effort would be made on the part of builders to meet this need. The fact is that there were completed in the year 1919 only 89 tenements containing 1,481 apartments to meet the normal demand for 21,517 individual apartments.

In making an estimate of the shortage, however, it is necessary to consider —

1. Continued increase of population.
2. Vacancies that have been filled.
3. Houses that have been destroyed.

Increased Population.— The war industries brought to New York a great many additional workers. An attempt was made by the neighboring cities to make use of the housing facilities of New York, and it was proposed that the Hudson tube be continued so as to bring the Newark shipyards in direct communication with the west side of New York. A careful survey that was made at this time showed that there was no available housing within walking distance of any of the Hudson tube stations in New York city. In spite of the practical cessation of immigration and the return of many of the citizens of our Allies to their native lands, the war industries have probably caused more than the usual yearly increase in population. Over 20,000 of the houses erected before the new law went into effect in 1901, which were not in use in 1916, were serving as dwellings in March, 1919.

It is apparent from the statistics of vacant apartments compiled by the Tenement House Department each year after a thorough census of all apartments in the city of New York, that in March, 1916, 5.6 per cent, or 53,541 of the apartments in New York city were vacant. This gave the tenant an opportunity to move if he did not receive satisfactory treatment from his landlord. It gave him some control over rentals. By March, 1919, the percentage of vacancies had fallen to 21,482 or 2.18 per cent; in the new law houses there were 2,372 or .06 per cent of vacancies. At the present time, it is safe to say that there are practically no vacancies in the new law houses. In the old law houses, that is to say, those that were erected before the Tenement House Law of 1901 was passed, there were 3.25 per cent of vacancies. The census for this year has not yet been made by the Tenement House Department, but it is safe to say that a great part of the 21,482 apartments that were vacant in March, 1919, are now occupied. We know from a thorough survey that was made last year that in March, 1919, there were practically no unoccupied apartments that were fit for human habitation.

New Construction Compared to Demolition of Old Housing.— Each year a certain number of tenements, particularly of the older houses, are destroyed. In March, 1917, there were 972,810 apartments in the city, and between March, 1917 and March, 1919, 16,947 apartments were built. This would have made a total in March, 1919, of 989,757, but in reality, there were only 982,926 apartments in the city. Six thousand eight hundred and thirty-one apartments had been destroyed. The figures show that in the year 1919 only 1,481 individual apartments were completed. In spite of this, 1,859 were destroyed, leaving us after a year of outcry for increased housing facilities with 378 less apartments than we had at the beginning of the year.

The following brief summary shows, as far as possible from available statistics the actual present need of new apartments:

Number of individual apartments needed 1917–1919 to house normal increase in population	43,034
Number of apartments erected, 1917–1919	16,977
Shortage of apartments, January, 1919, before allowing for vacancies, etc	26,087
Vacancies filled during 1917 and 1918	14,153

Shortage after allowing for vacancies filled	11,934
Apartments destroyed, 1917 and 1918	6,831
Shortage of apartments January, 1919, after allowing for destruction and vacancies	18,765
Number of apartments necessary for estimated increase in population in the year 1919	21,517
Shortage of apartments without allowing for building during 1919	40,282
Number of apartments completed during the year 1919	1,481
Number of apartments destroyed in 1919	1,859
Real present need	40,660

Small House Construction.— The construction of small houses is by no means making up for the lack of apartment house construction as is apparent from all figures obtainable.

The Results of the Shortage in New York City.— Raising of rents resulting from the shortage of houses has affected not only the poor, but a large part of the population even among the moderately well-to-do, have been forced into very congested quarters. Warehouses throughout the city are filled to overflowing with the furniture of families that have been dispossessed. Owners of these household effects are sharing the limited quarters of friends or relatives. In many small apartments in the Bronx, in Brooklyn, in all parts of the city, are crowded two or more families.

New York's housing capacity is very elastic, but the time is near when there will actually be no more room, even in the indecently rotten old law houses. Before long, there will not be a chance for further doubling up in the overcrowded houses. A first sign that New York would not hold many more persons unless more houses were built was the opening of one of the armories to the dispossessed families that had nowhere else to go.

Joint Hearings on New Construction.— What liklihood is there of the present need being met during the coming year? In July, 1919, a series of hearings were held by the Joint Legislative Committee on Housing and the Reconstruction Commission in regard to the possible construction of houses to meet the present need. A great many of the builders who have in the past erected tenement houses were questioned at this hearing in regard to the causes of the practical cessation of building. The reasons given were the uncertainty of labor conditions and the instability of prices of materials. These causes apparently more than the difficulties of securing sufficient capital prevented the construction of apartments. Since that time there has been little change in regard to these causes.

Increased Rentals.— At the same hearing builders were questioned as to the probable rentals that would be charged for the apartments that were being erected. The general opinion seemed to be that no speculative builder would build unless he could get at least $15 a room per month. The fact is that the apartments that have been completed are renting with practically few exceptions for $20 or more. Landlords are having no difficulty in getting $25 a room per month for the apartments now being completed on the Grand Concourse in the upper Bronx.

In conjunction with the Joint Legislative Committee on July 22d we conducted a thorough examination of builders and dealers in building material in which a number of witnesses were examined, to discover whether there was any combination to maintain or increase prices of building material. This testimony has been transcribed. We suggest that it be referred to the Attorney-General or to the District Attorneys of the various counties in order to discover whether any offense against the law is being committed. It seems from such preliminary examinations as have been made that prices may be artificially maintained by a combination, expressed or implied, which certainly requires full investigation. If the Attorney-General or the District Attorneys do not find that there is a crime, legislation should be enacted that

will prevent the action of combinations that make it practically impossible to build houses, because of the artificial raising of prices and limiting of supply of essential materials.

Rise in Construction Costs.— Last spring, a group of experienced builders, architects and real estate men estimated the cost of building a group of apartments. They found that at that time if building were carried on on a large scale on cheap land, a very limited return might be had if a charge of $9 per room were made. Since then prices have greatly increased. Of course, the very limited return would not satisfy the speculative builder. In these days when the cost of labor and material is constantly fluctuating and tending upward there are so many other investments which are more secure. The City and Suburban Homes Company, a limited dividend corporation, is building a group of apartment houses in Brooklyn. When the construction started last year the company had counted on renting these apartments for $9 a room. This would have given them a 5 per cent. return. The cost of construction has increased to such an extent that the company states that it will in all probability be forced to charge $14 a room. It is very apparent that if this company, which is permitted to receive only a limited return, will be forced to charge $14 per room that the speculative builders will not build excepting for a much larger return. The price of construction has risen so high and the uncertainty as to cost is so great that it is necessary to charge for new construction a rental far beyond the means of a large part of our population.

There is a natural tendency to increase the rentals of the better type of older buildings until they are on the same levels with the prices that have to be charged for new buildings. This point has not yet been reached in New York City.

Housing Shortage State-wide.— The inadequacy of the present supply of housing has been felt not only in New York City but throughout the State. A year ago the Reconstruction Commission sent a questionnaire to the principal cities and towns in the State outside of New York City. The questionnaire covered the following matter:

1. Industrial growth brought about by war and its effect on increase in population.
2. Expected future growth of industry and resulting need of more housing.
3. Housing assistance asked for and given by Federal Government during the war.
4. Need of houses (a) before the war; (b) now; (c) probable future need and the type of houses needed (single, two or multi-family) (of what rental?),
5. Method of financing housing in the past.
6. Scale of housing operations in the past.
7. Relation of tax rate to building of houses.
8. The present difficulties in the resumption of house building.
9. The existence of poor, unsanitary or over-crowded housing and what has been done to improve conditions.

One hundred and twelve answers were received from seventy-seven different towns.

Increased Population Because of War Industry.— Many cities and towns had greatly increased their population because of the growth of war industries. They planned to use many of the war time factories for peace time industries. In time, for instance, the machine gun factories will probably be turned to other uses and much of the increased population brought by the war will remain. In one town, a firm that had been manufacturing shells plans to manufacture motor trucks. Twenty-nine towns reported an increase due to war-work contracts or new war industries. Ten, at least, of these towns thought that the increases would be permanent.

Insufficiency of Houses Before the War.— The answers to the questionnaire showed that even before the war, there was a lack of sufficient houses for workers. In Elmira, the need was estimated at between 100 and 300 houses or apartments. At Newburgh, we are told that the need was imperative. Niagara Falls, with an increase in population from 14,743 in 1910, to 17,925 in 1915 had great need of more houses, as did Rochester and numerous other towns. There were thirty cities and towns that reported a need of houses, even before we entered the war.

Causes of Present Shortage.—Excepting for the few houses erected in this State with the assistance of the Federal Government, house building was practically stopped during the war. Meanwhile, the population continued to increase, particularly in those towns that were carrying on war work.

Building was still at a standstill at the time that the answers were received to our questionnaire a year ago. The cost of labor and material was given at that time by most towns as the principal obstacle to building. The difficulty of securing money for mortgages also seemed to be an additional cause.

Up to the time of our questionnaire only two towns had carried on housing in a large cooperative manner. The Lockport Chamber of Commerce had erected a group of houses during the war, as had Elmira.

Housing Corporations.—A year ago, the Reconstruction Commission suggested the formation of a housing corporation in the City of New York to be financed by citizens interested in the welfare of the State. This corporation was never formed as the Commission was unsuccessful in securing the necessary funds. However, the plan that was suggested for New York City is being followed at the present time in a great many of the upstate cities. Poughkeepsie, Albany, Syracuse, Elmira, Lockport, Troy, Newburgh and Gloversville, as well as numerous other cities in the State, are planning to carry out large scale housing operations. These have, in most cases, been organized by chambers of commerce or groups of citizens interested in the welfare of their town. It has become apparent to them that the speculative builder will not build under present conditions and that the present need for housing can be filled only through group action. Therefore, they have formed housing corporations for the purpose of securing money and building homes.

THE BLOCK SURVEYS

The Purpose of the Block Surveys.—Shortly after the committee began its work, it became apparent that the raising of rents throughout the city was only a symptom. As a result, families in all parts of the city were being forced into smaller and less satisfactory apartments. In turn, all classes were being driven by the pressure of rising rents and insufficient houses to a lower standard of living. Ultimately, those at the bottom would reach a point from which they could go no lower. With this downward pressure from above, what was happening in the cheaper form of housing?

So that we might have a clear view of the results of the present housing emergency, a survey was made of actual conditions. It was decided that thorough studies be made of characteristic blocks in the conjested parts of the city, and from these it would be possible to judge actual conditions throughout the poorer districts of the city, and to find remedies for them.

How the Block Surveys were Carried on.—At a meeting called on March 27, 1919, by the Housing Committee, representatives of various social settlements, labor unions, philanthropic organizations and women's clubs promised their aid in making this investigation. Each organization took the responsibility of making the survey of one square block bounded by four intersecting streets.

Twenty-six surveys were completed. These blocks and the organizations under which the work was carried out were:

Organization	*Block*
Greenwich House, 29 Barrow St.....	Cornelia, Jones, Bleecker and W. 4th Sts.
Hudson Guild, 436 W. 27th St.....	West 28th, 29th Sts., 9th and 10th Aves.
Henry Street Settlement, 265 Henry St.	Cherry, Pike, Monroe and Rutgers Sts.
St. Ambrose Guild.....	111th, 112th Sts., 2nd and 3rd Aves.
Emanuel Sisterhood, 318 E. 82nd St..	84th, 85th Sts., 1st and 2nd Aves.
Recreation Rooms and Settlement, 185 Chrystie St.....	Stanton, Forsythe, Rivington and Chrystie Sts.
Greenpoint Neighborhood House, 85 Java St.	India, Java Sts., Franklin and Manhattan Aves.

Organization	*Block*
Brooklyn Bureau of Charities, 69 Schermerhorn St.....	Liberty, Glenmore, Thatford Aves., Osborn St.
Greenwich House, 29 Barrow St.....	W. 11th, Perry, Greenwich and Hudson Sts.
79th St. Neighborhood House, 232 East 79th St.	80th, 81st Sts., 1st Ave. and Ave. A.
Women's Municipal League, 14 East 46th St.	61st, 62nd Sts., 10th and 11th Aves.
Brooklyn Urban League, 102 Courts St.	Atlantic Ave., Herkimer St., Prescott Pl. and Bancroft Pl.
Lenox Hill Settlement, 511 East 69th St.....	61st, 62nd Sts., 1st and 2nd Aves.
Bureau of Boarding Houses for Girls, 11 West 37th St.....	66th, 67th Sts., 2nd and 3rd Aves.
Union Settlement, 237 East 104th St..	103rd, 104th Sts., 2nd and 3rd Aves.
Madison House, 215 Madison St.....	Madison, Jefferson, Monroe and Rutgers Sts.
Mrs Brown, 546 West 146th St.....	148th, 149th Sts., 7th and 8th Aves.
Educational Alliance, 197 East Broadway	Grand, Hester, Clinton and Suffolk Sts.
Hamilton House, 72 Market St.....	Hamilton, Market, Catherine and Cherry Sts.
N. Y. Urban League, 2303 7th Ave....	133rd, 134th Sts., Lenox and 5th Aves
Hartley House, 413 West 46th St....	48th, 49th Sts., 9th and 10th Aves.
Warren Goddard House, 246 East 34th St.	33rd, 34th Sts., 1st and 2nd Aves.
Stuyvesant Neighborhood House, East 9th and Stuyvesant Sts.....	9th, 10th Sts., 1st Ave. and Ave. A.
Kips Bay Neighborhood Assn., 799 Second Ave.....	44th, 45th Sts., 1st and 2nd Aves.
United Neighborhood Guild, 176 Nassau St., Brooklyn.....	High, Sand, Gold and Bridge Sts.
Old South Brooklyn Civic League..	Hicks, Columbia, Baltic and Harrison Sts.

These were further assisted by partial surveys made by:

Willoughby House, 97 Lawrence St., Brooklyn	Johnson, Pearl, Jay Sts., Myrtle Ave
Housekeeping Centre, Brooklyn Assn. Improving Condition Poor, 189 Norman Ave.....	Norman Ave., Jewel, Diamond Sts., Meserole Ave.
East Side Settlement, 540 East 76th St.	78th, 79th Sts., Ave. A and Ext.
University Settlement, 184 Eldridge St.	Rivington, Delancy, Allen and Eldridge Sts.
Emanuel Brotherhood, 309 East 6th St.	4th, 5th Sts., 1st and 2nd Aves.
Bronx House, 1637 Washington Ave..	172nd, 173rd Sts., Bathgate and Washington Aves.
Weseley House Settlement, 442 East 59th St.....	56th, 57th Sts., 1st and 2nd Aves.
Welcome House Settlement, 319 East 17th St.	17th, 18th Sts., 1st Ave. and Ave. A.

The survey was made in the months of April, May and June. The work was undertaken with enthusiasm. Volunteers from all parts of the city aided. It was a truly democratic survey. The people of the tenements under the guidance of trained workers assisted in collecting the required information. Before the housing emergency had reached its climax, tenants were afraid to complain of the conditions under which they lived. They feared that landlords would dispossess them. It was made clear to them that the object

of the block surveys was not only to find relief from the temporary difficulties of the moment, but to find a solution of the more permanent housing problems. Its broader objects as set forth by the Housing Committee were:

To gather information on which to base plans for reforms as to methods of supplying, remodeling, financing or managing housing in New York City.

To educate the public as to the need and possibility of improving living conditions.

The survey of each block was under the charge of a chief worker appointed by the organization, which had taken the responsibility of making the investigation. About 40,000 individual apartments were visited.

Under the direction of the chief workers, information was gathered in each apartment, as to

Description of Individual Apartments.— 1. Location of apartment.

2. The number of rooms.

3. The number of persons living in each apartment, the number of boarders, and of children under five years of age.

4. Rental paid at the time of the survey and for two years previous.

5. The length of time the family had occupied the apartment.

6. The occupation and wages of the workers in the families.

These questions were covered by forms that were supplied to all investigators. In addition, where it was possible to gather the information, they reported in regard to

1. Nationality of family.

2. The sanitation and upkeep of the apartments. The attitude of the tenants toward janitors and landlords.

3. The reaction of the tenants to the condition under which they live. Their idea as to what sort of living quarters would best suit their needs.

4. The relation of places of work to homes; whether the workers from the tenements in going to their place of work, walk, pay single or double carfare.

Specially trained investigators from the Housing Committee made detailed studies of specific apartments and their inhabitants. They not only examined the apartments but discussed with the mothers their system of house management. The problem of congestion was studied by viewing the actual use and management of rooms rather than by assigning any theoretical number of inhabitants for each room.

Description of House.— On a second form the investigator summed up the information as to each apartment house and at the same time recorded

1. The type of management, whether by resident or non-resident owners, agent or lessee.

2. The condition and upkeep of the house; the condition of roofs, stairs, cellars, toilets; the disposal of garbage; the storing of boxes in cellars, the condition of plumbing now and during the awful winter of 1917–1918; the proper lighting of hallways.

Assistance of Tenement House Department.— No attempt was made to secure information as to the physical arrangement of apartments or houses from the untrained investigators. This is technical work. The Tenement House Department supplied us with a detailed description of the size of rooms, courts and shafts, the manner of lighting each room by windows on the streets, yards, courts, shafts or indirectly through another room, the number of sinks, washtubs, bathtubs, toilets and dumbwaiters in each apartment and the number of violations of the law. The housing Committee acknowledges gratefully the effective co-operation of the Tenement House Department of New York City.

Health and Housing.— Assistance was received from the Health Department, the Visiting Nurses, the Charity Organization Society, the Tenement House Commission of the Brooklyn Bureau of Charities, and the Metropolitan Insurance Company in collecting information as to the effect of living conditions on the health of the inhabitants of the blocks surveyed. The various charitable organizations of Manhattan and Brooklyn supplied information of the assistance given to the inhabitants of certain of the blocks. Numerous other associations, as well as the universities through their classes in statistics, aided in the work of the survey.

The Neighborhood.— To serve as a background for the intensive study of one block, the surrounding neighborhood was described with respect to the following items:

1. A short history of how the neighborhood came to be what it is.
2. Nationality of inhabitants.
3. Types of workers. This will be found by a study of the occupations listed on the apartment cards and in reply to the questions. What other kinds of workers are there in the neighborhood besides those listed for the block?
4. What industries are located in the neighborhood? What is their influence on the neighborhood? Are they obnoxious for any reason? Noise? Smell? Dirt? Other noises? Where are the industries located in which the people of the neighborhood work? Do workers generally pay single or double fare in going to work? Is transportation satisfactory?
5. Conditions of streets, etc., as to congestion, cleanliness, paving which makes for noise and dirt. Note any stables and their condition.
6. Playground facilities; school yards; play streets; vacant lots and areas; backyard playgrounds.
7. Neighborhood associations; settlements; forums; community centers, etc.
8. Schools.

What the Survey Disclosed.— The housing emergency has grown worse since the survey was made. Even in May and June of last year, the survey showed that *practically no vacancies existed in habitable houses.*

Results of the Present Housing Emergency.— For half a century New York city has through restrictive legislation attempted to raise the standard of housing, so as to protect the community from the most obvious dangers of fire and disease. In 1901 a law was enacted by the Legislature that fixed minimum requirements. No new apartment house might be built unless it met these requirements. But the old houses with slight alterations were allowed to remain.

The survey disclosed that families were crowded together in dark, ill-smelling apartments and were unable to find better quarters. Many landlords were taking no care of their apartments. Underpaid janitors neglected their duties. In some cases, they were no janitors and the stairs were never cleaned excepting by the tenants. In every block were found ill-kept apartments, in fact, certain of them were not kept at all. They had been allowed to fall into decay. The roofs leaked, the plaster was falling off the walls and the stairs needed repair. The water did not run, the landlord refused to repaper or paint the dirty walls. The rubbish collected in the basements. Yet every apartment was full and the tenants were afraid to complain to the landlord for fear he would dispossess them. One tenant said that her shoes had been worn out looking for another apartment, but she had found nothing but "rat holes."

Landlords.— Since the investigations of the Housing Committee were made, conditions in the old law houses have grown worse. The landlord is in complete control. If he is kindhearted, he will see that the conditions in which the tenants live are at least not unclean. If he lacks interest in the welfare of his tenants he can raise rents to practically any extent that he desires, and let his house fall into the disreputable condition in which so many of those examined by the Reconstruction Commission have already fallen.

A great part of the houses in which the working people of New York live have come into the hands of absentee landlords or lessors. The latter are holding the properties, very often only for a short time, with the idea of getting as much out of it as they can. They at present control the conditions of sanitation and upkeep of a large part of the homes of New York.

The present housing emergency is only to a very limited extent responsible for the housing conditions disclosed by the survey. Similar conditions existed before the war. The old houses are the same. Some of them are in slightly worse repair. Some of them are more crowded. But fundamentally they are the same.

Permanent Evils.— An impartial interpretation of the facts disclosed by the survey forces the conclusion that a large part of the population is and has been housed in a manner detrimental to the health and safety of the community. The factors that lead to their condition are —

1. Undue congestion of occupancy of individual apartments resulting in corresponding overcrowding of the neighborhood.
2. The lack of privacy.
3. The lack of sufficient air.
4. Insufficient and foul toilet facilities.
5. The prevalence of bad odors.
6. The lack of the convenience and comforts, even of the bare requirements essential to modern decent living.
7. The neglect after the decay into which the houses have fallen.
8. The lack of proper protection against fire.
9. The poor architectural planning of the tenements.
10. The unfortunate environment and the absence of adequate play space.

Study of a Typical Block.— Block No. 24 running from 44th to 45th streets between First and Second avenues represent the average — and by no means the worst, condition under which we found the wage-earning population in New York city to be living. The block is crowded with 37 tenements, a garage (built solidly through the center from one cross street to another and occupying the space of 14 houses) as well as a cigar factory, a woodwork shop, a refrigerating plant and an old livery stable. With few exceptions, the tenements have small shops on the first floor. The houses, which were all built before the Tenement House Law was passed in 1901, are four or five stories high and cover from 60 to 100 per cent of their lot area. There is hardly an apartment in the block in which there are not one or more "interior" rooms — that is to say, room without any window to the outer air. The characteristic plan — that of sixteen of the houses, is of four three-room apartments to a floor. One room — and one room only — in each apartment opens on the street or yard. The other two rooms are dark, or borrow a gleam of light from the neighboring room. They have no window to the air. Two of these houses contain air shafts, from which a certain amount of foul air and in the upper stories a little light may enter the inner rooms.

At the time the survey was being conducted, a cosmopolitan community of 328 families comprising some 1,400 persons of 18 different nationalities, was housed in this block. Two-thirds of the families making up the community were Italians, Austrians, Germans, Americans and Greeks constitute the greater part of the other third, the 13 other nationalities being represented by from one to seven families each. The investigators stated that about 25 per cent of these people spoke English.

The family groups varied in size from one to eleven persons; in most cases there were four, five or six. Forty-two of these families have taken in boarders into their crowded homes to aid in the payment of the rent. This at the time of the survey was for half the apartments only from $6 to $10.50 a month. The highest monthly rental — that of a six-room apartment was $25. Seven-tenths of the families lived in three-room apartments for which they paid from $6.50 to $13. The rise in rent up to the time the survey was made was proportionately small. There had been only 87 known rent raisers during the previous year, most of which were 50 cents to $1. Since then the rents have probably rapidly risen as they have elsewhere throughout those portions of the city inhabited by the poor.

Congestion.— In New York the Tenement House Law in regard to overcrowding is expressed in terms of cubic feet. In England it is in terms of persons; a room in which more than two persons live is considered overcrowded. It is difficult to establish a satisfactory standard, but there can be no question of the fact that an apartment is overcrowded when its occupants cannot move about freely at their various activities — when they cannot have privacy for bathing and caring for themselves, and when they cannot have enough space to sleep comfortably. These conditions are dependent not only on the number of occupants, but on their sex, age and

relationship. A man and wife and six young children would not be as overcrowded in a given apartment as a man and wife, a boarder, two working sons, and a married daughter, her husband and child. Often when no more than two or three people are sleeping in a room, the rooms are so small that even the conservative requirement of the New York Tenement House Law — 400 cubic feet of air for each adult, 200 for each child under 12 — is being violated.

Leaving one room free for kitchen, dining and living room cannot be held too generous an allowance. In Block 24, if we then allotted the remaining persons in each apartment as equally as possible to other rooms, we would find of the 328 families that 164, about a half of the families were sleeping at least two in a room, in 89 apartments there would be an average of more than two in a room. These bed rooms are of meagre size, approximately 8 ft. by 9 ft. In Block 19, 289 of a total of 606 apartments were overcrowded according to this standard. As a matter of fact, many families use the kitchen as bedrooms. Moreover, distribution of members depend too largely on sex, age and relationship of persons of a family to apportion them according to any system, as though they were abstractions and not human beings.

In certain exceptional cases the one light room in the three-room apartments is not used for sleeping purposes. In one case both this and the small dark kitchen in which the gas is kept burning all day was free of beds. The third room, 8 ft. 9 in. by 8 ft. 2 in., which has its only window opening on a dark hall is the bedroom for six persons, father, mother and four children.

Typical Conditions.— The sleeping arrangement of an Italian family in a similar type of apartment is more characteristic. The front room, 9 ft. 3 in. by 13 ft., the only room which has outside windows, is used as a dining-room, living room and bedroom. A boarder sleeps on a cot on one side of the room and two boys of 12 and 9 and a girl of 4 years old sleep on a cot on the other side. The middle room, 9 ft. 3 in. by 8 ft., is the kitchen and is so dark that gas must be kept burning all day. There is a sink, range and gas stove but no laundry tub. The third room is a bedroom, 9 ft. 3 in. by 7 ft., opening on to the kitchen by a door only and having one small window which opens on to the hall. This bedroom is so dark that one has to wait until his eyes are accustomed to the darkness before he can make out what is in the room. The only furniture is a double bed in which the father, mother and little baby sleep.

The reports of the investigation in the various parts of the city showed similar overcrowding. An investigator gives a characteristic description of the block bounded by Hamilton, Cherry, Catharine and Market streets —

> "On the first floor of this five-story tenement live this family of seven — parents and five children. In the kitchen two little girls of six and seven years sleep in a folding bed, the bedding of which smells musty. But what can you expect of the housewife in rooms where there is only cold water and one small stationary tub that looks more like a toy than a lifesize wash tub! In the close dark bedroom that it is nauseating even to peek into, five persons sleep. The father and mother and their four-months baby sleep in a three-quarter bed. In a folding bed in the same room, two boys of 12 and 5 years sleep. I asked the mother why she did not put some of the children in the parlor to sleep where they could get better air. She replied that the children were afraid to sleep that far away from their parents. The mother, who did not look at all strong, does 'home work'."

The Lack of Privacy.— Illustrating examples of how both decency and hygiene are destroyed by the absence of privacy are so numerous that they become effective only through rigid selection. In an apartment on the same block, a mother (the father is dead) shares her bed with her son of 8 years; in the same room (an inside one) sleep the grandparents, and a daughter, a girl of 20, and on a folding bed in the kitchen are put, when the evening meal is over, two grandchildren, girls of 12 and 15. Even the most necessary dressing and bathing processes are made fairly difficult in such surroundings.

So far, we have dealt only with the older types of houses. The new law houses are as crowded if not more so than the older type and whereas the provisions of the Tenement House Law are such that airless rooms are impossible, nevertheless the arrangements of courts makes the light on the lower floors very bad and the planning of the apartments gives the impression that the spirit of the law regarding privacy was intentionally evaded. It is obvious that decency as well as the common laws of hygiene are violated in the crowding of these apartments.

Insufficient Light and Air.— As one walks around in these blocks on the East Side on a sunny day, it seems impossible that there could be an insufficiency of light and air in any house at any time. That it should be necessary to burn gas in the day time in order to see to carry on daily activities sounds preposterous. However, one-half of the rooms in the block are dark, that is, they have no windows opening to the outer air as there are rooms with windows opening on the street or on the yard. These 14 houses contain more than one-half of the population of the block.

The Health Commissioner has advised fresh air as a preventative to influenza. What chance is there for those that live in such blocks as these? These tenements on account of the housing shortage are more crowded than ever. There is hardly a block of the forty visited by our investigators in which similar conditions were not reported.

In one of the blocks on the lower East side, seventy apartments of a total of 614 were found vacant. The reason for the unusual number of vacancies in this block was the number of houses that were absolutely uninhabitable. The flats found vacant were mostly in the rear on the ground floor, at the bottom of air shafts ten feet wide; they were about as light as pockets, and many rooms have no outside ventilation at all, not even that afforded by the ten foot shaft. One entire wing is built close up against a stable. Many of the darkest holes were inhabited. The tenants could find nothing better for the little they could afford to pay. Some of the worst conditions are found in basements. From a house on West Forty-ninth street, we have the report: ."In the basement, six persons live in four rooms. All of the rooms but the parlor are dark. Gas is kept burning in the kitchen all day."

Many of the bedrooms are ventilated by a small hole cut in the wall just under the ceiling. This would be insufficient even if there were air in the hall at the other side of the partition. There generally is not. The halls are often narrow. Both they and the rooms give one coming from the street, the sense of suffocating.

The fact that a bedroom has a window on the outside air is no proof that it has ventilation. The window may open on the same air shaft as an evil smelling toilet, with the result that the bedroom windows are kept closed.

Insufficient and Foul Toilets.— The lack of proper and sufficient toilet facilities is one of the greatest hardships of the tenements. It is a menace to the health of the community. One of the first requisites of a decent house is the toilet for the exclusive use of each family, situated in its apartment. The best of the old houses have toilets in the halls, two to a floor. The worst of them have them in the cellars or yards. This means for people on the upper floors a trip of from eight to twelve flights of stairs. The toilet doors are supposed to be kept locked, but often the keys are lost. The little cubby holes are generally dark. They are ventilated, if at all, on small shafts. Some of them have no window. The air of the hallway is rank with the smell from the toilets. There is generally not a gleam of light in them, and no gas jet. Is it a wonder that they are filthy? It is impossible for the tenants who are supposed to clean them to see what they are doing. Many of the toilets were found to be in bad repair — chains were broken, pipes were old and the water did not run. But the odors in the hallways — and the courts and shafts on which bedrooms often ventilate is the worst offense of the toilets.

The Prevalence of Bad Odors.— When disposing of garbage means carrying it down four, five or even six flights of stairs, the narrow courts or

shafts form a much more convenient receptacle for banana skins, potato parings and more objectionable refuse. And there it remains until the janitor sees fit to clean it out. Some of the garbage will continue to hang like garlands from the toilet windows until it decays. In some places the tenants said they were not supplied with ash cans. In a house on Hamilton street there is generally an ash heap. One tenant complained that she could not open her ebdroom window on account of the stench from the court where the refuse was weltering in pools of stagnant water.

These conditions exist not only in the lower East side. The following is the report of an investigation of the block bounded by West 63rd street and West 64th street, Amsterdam and West End avenues:

The airshafts are narrow and dark and all are dirty, although the janitress in each house said that she cleaned out the bottom of it once a week. The toilet windows are all on the shafts (also the kitchen windows) facing the stair window of the next house. They are black with grime, and ancient decaying rubbish hangs on the sills where it has caught when a tenant casually disposes of rubbish from the windows above. The janitresses scold and report the tenant when they can catch the guilty one, to the board of health, but apparently nothing comes of it.

The center of one block is filled solidly by a tremendous stable. On a hot day the odors are so obnoxious that many of the tenants of the surrounding houses are forced to keep their windows closed. They prefer the stifling air of their small quarters. In other blocks there are garages, car barns or industries which are objectionable either on account of the noises or their odors. Seldom do the human inhabitants have the blocks to themselves. They have gained but little protection from New York's zoning law.

The evil effect on the health of the poor of these odors with the body odors of four or five persons crowded in a dark inner room should need no scientific proof.

Lack of Conveniences.— Tenants of most of the houses that were visited on the East side, the West side or Brooklyn, were fighting a hard fight to keep their homes from falling into utter disrepair. They had but little assistance from the landlords.

And the housewife is still further handicapped in her efforts to keep such an apartment in order by the almost universal lack of those conveniences which have become requirements toward decent living. We have come to accept kitchen sinks, stationary laundry tubs, toilets and steam heat as adjuncts to modern life. Yet in these residences where the household work must be done in the shortest possible time, as all the adults of the family have outside jobs, and to mother is left, also the care of young or dependent members of the group, these "conveniences" are almost unheard of. Dumbwaiters, where they exist, are practically always nailed closed. Climbing even four flights of stairs, with provisions or fuel, is a fairly taxing task. There is, in most cases, no steam heat and therefore no hot water. This means that the tenants must have their own supplies of coal and wood, thereby materially increasing their rental. They must carry them up — and the ashes down, and water cooking, washing and bathing must all be heated.

In a block near First avenue and Forty-fifth street there was in thirty-seven houses just one bath tub. That naturally was in the kitchen — where it was used as a wash tub. In this same block more than 100 families, about one-third of those in the block, have no wash tubs. The kitchen sink was the only convenience that was found in every house.

Cleanliness is made difficult when the only source of water is the tea kettle. It is hard to keep a house or clothing clean when the only water — cold of course, is shut off for hours at a stretch. One of the greatest evils of the old houses is the meagre water supply. In almost every house in one block, the tenants of the fourth and fifth floors complained that during the heat of midsummer it was impossible to draw water for several hours each day when the demand was greatest. Mothers complained that their children cry for water and that they can get it for them only by going to

the first floor and bringing it up in a pail. This is difficult when the mother has a baby in her arms and two or three little ones hanging to her skirt.

Rentals as low as $6.00 for three rooms, which existed at the time the survey was made seems less surprising when one considers that in addition the tenants must pay for the lighting of dark rooms, the heating of water, the heating of rooms, and buy fuel in small quantities.

Neglect and Decay of the Houses.—Living is made still more difficult by the neglect, often the decay into which the houses have fallen. From all parts of the city the reports were similar.

A house in Cherry street is dilapidated throughout. The cellar is dirty. Rubbish and refuse are everywhere. Garbage cans full and uncovered, are stored under the public stairway. The halls are dark, filthy, with plaster and window panes broken. Tenants complain that the agent refuses to do any repairing or painting unless paid for it. Until two years ago there was hot water and plenty of it, but last year, because of the cost of coal, he stopped this service reducing each rent one dollar. This year he put the rent back to its former cost without giving the hot water. In the winter the water pipes froze and burst and for two months there was no water in the house, the agent insisting on being paid for the repairs. Tenants had to pay $1.00 to get him to paint two rooms, then he raised the rent. When they refused to pay, they were told to move. Every apartment on the sixth floor has damp walls and ceilings which he declines to have attended to. The first floor rear consisting of three rooms is vacant. Two windows are broken and boarded up, the panes being completely gone. Great patches of mold adorn the walls, boards in the floor are missing. The janitor says the place will rent for $6.00 per month. The janitor says that it is a waste of time and energy to clean the place for such tenants as the tenants.

Of a block in the sixties on the west side, we are told that all the tenants complained of trouble with the plumbing, especially in winter, poor and intermittent water supply (some houses that made a pretense of supplying hot water have now given it up entirely, but raised the rents instead of lowering them), and in one house even the gas supply pipes are stopped up so that if several tenants try to use their gas stoves at the same time, the supply is insufficient for cooking. The landlord refuses to have this repaired.

From all parts of the city come tales of leaking roofs, lack of water or gas, leaking pipes, stairs that are rotten and shaky, lack of repairs, walls needing painting, plaster falling from walls, dirty halls, courts and yards and unsanitary conditions brought about through lack of care of toilets. Similar conditions to a lesser degree have always existed in these houses. Many of them are rotten through and through. The landlord often blames the condition of upkeep on the tenants, and particularly the children. To an extent he is right. They are often dirty, careless, indifferent. They throw their garbage out the window, but they have no dumbwaiters. Their houses are sometimes dirty, but what chance is there for cleanliness when half of the rooms are in partial darkness throughout the day.

The responsibility of the cleaning of the house is often on the shoulder of the janitor, or more often the janitress. But what janitor is going to put much enthusiasm into scrubbing the public halls of a six-story tenement for the sake of free rent of the wretched rooms. Some of them, according to the reports of our investigator, get as high as $6.00 a month, but plenty get only a broom and in many apparently better grade tenements the janitor gets only a reduction of rent.

Tenant Turnover.—As a result of the condition of the houses the tenants move when they can. In the block between Grand, Hester, Clinton and Suffolk streets, the tenants at the time of the survey, had occupied their apartments in the block from a month or so to more than fifteen years. Over half of the families had come into the block during the past year. The "tenant turnover" as it may be termed was over 56 per cent for this year. Half of the families have lived in the block less than four years. Less than one-tenth of them have lived in the block ten years or more. The tenant turnover in other

blocks was smaller, but there are few cases where it fell below 20 per cent. In at least 18 blocks more than one-fifth of the tenants are reported to have moved within the year.

Violations of the Tenement House Law.— The Tenement House Department is ever on the alert to prevent violations of the law. There are few of the old buildings against which a violation has not been filed. In one block chosen at random, the violations run from one for the house having the lowest to 70 for the house having the highest. Altogether 976 violations have been filed against these houses in addition to the 58 which are pending. These 976 have been rectified. When an old house has started to decay, when the owner is interested only in making what he can out of the house and then selling it, it is difficult for the Tenement House Department to keep close enough watch to prevent the constant breaking of the law. Fire escapes are littered with boxes, brooms, toys — they grow rusty and dangerously insecure.

The Lack of Protection Against Fire.— The protection against fire in the old law houses is very slight compared with the restrictions that surround the newer houses. It is therefore of the utmost importance that fire escapes be kept in good condition and free of obstructions.

Poor Planning.— On the whole the bad planning of these apartments is one of the chief causes of their being out of use. The fact that the evils of plan were probably unintentional, does not mitigate them. As in the middle east side, for example, changed from an aristocratic residence section where fine old houses clustered along the banks of the river to a district given over to lumber and coal yards, to abattoirs and factories the workers who were brought to the region sought residence there. The old three-story brown stone houses were hurriedly made over into apartments, with one family to a floor, or becoming rooming houses. Tenements sprang up to fill further demands. The low rents demanded by the lack of space — inevitably led to the interior rooms — the cheap construction — the evil air shafts — the small rooms, which are the architectural characteristics of the New York tenement.

The defects of certain of the new lay houses are quite as grave. Often a large part of the area of the buildings is wasted on long corridors that go nowhere.

Many of the old law buildings are built solidly without any inner shaft. Others, particularly the famous dumb-bell type — are built around a dark narrow court.

Rear Tenements.— They are further robbed of light by the rear houses. The centers of many blocks are built with these houses. These are generally entered by dark passageways. The courts separating them from the front houses are almost always dirty and littered with papers. These are quite hidden from the street cleaners or the police.

SURROUNDING NEIGHBORHOOD

Conditions of the surrounding neighborhood play a very important part in the life of the people. We have therefore made a careful study of all of the opportunities for recreation and play in the vicinity of the blocks which have been investigated. Studies made for the Reconstruction Commission of improved methods of planning tenement housing conditions have taken into consideration the importance of sufficient play space.

The Old Houses a Menace.— It is apparent from the study made by the Reconstruction Commission that the old houses have been a poor financial investment. They might therefore be expected to disappear. The process of destruction is slow. In ten years, that is to say, between February, 1909 and March, 1919, 58,552 apartments were destroyed. At this rate, it would take 100 years for the last of these buildings to disapear. It is 19 years since the State of New York passed a law for the purpose of preventing just such conditions as were found in all the blocks investigated. They will not disappear by themselves. The evils of the old houses fall into two categories. There are the conditions that can be remedied by painting, cleaning, repairing. There are the conditions that are beyond remedy, the foul toilet vents, the narrow courts and shafts. For these, destruction of parts or all of the building is the only cure.

Two methods have been suggested as a practical means of replacing the old tenements with decent living places. One is to follow the example of London and tear down the worst of the present tenements, building new homes in their places. The second is to remodel the existing structures in such a way as to make them wholesome, light, airy and sanitary places to live in.*

When one considers the vast number of tenements that are below the minimum standard of our present tenement law, it seems impractical to attempt slum clearances on the vast scale that is necessary — if the same end can be attained by remodeling the old buildings. In order to determine whether an economic solution for this problem can be found, an architectural competition has been arranged under the joint auspices of the Reconstruction Commission and the Joint Legislative Committee on Housing. Prizes aggregating $6,000 have been contributed by Mr. Alfred E. Marling, Mr. Vincent Astor and the New York Foundation. For the purpose of this study, a characteristic block on the lower east side, one of those studied by the Reconstruction Commission has been chosen. Living conditions in this block are by no means the worst in the city. Conditions here are characteristic of those to be found in hundreds of other blocks throughout the city. The object of the competition is two-fold; first to discover the best method of improving living conditions in the old-law tenements without entirely destroying buildings; second, to find a plan of remodeling that will demonstrate its economic wisdom.

The purpose of the competition is to find solutions that will be applicable not only to the block, which is the subject of this study, but also to similar blocks throughout the city. It is a competition of ideas as well as design. The remodeling of one house in a bad environment is of little value. The improvement of a group of tenements is of real value. But the solution of the problem of the block as a whole would be of the maximum value to the tenants and owners of each house, to the neighborhood and to the community as a whole.

The underlying faults of the slums can only be remedied by drastic social and economical changes. Congestion will not be done away with until we have developed a different type of city. There are however many of the defects of the tenements that can be remedied by better planning of individual houses. It is hoped that architects will be able to devise economical means of remodeling the old buildings. However, we agree with the Legislative Committee on Housing, which in its report of January 7th of this year, says: "It is admitted by all that the existence of these tenements is a menace to the health and morals of the community, and that they retard the proper growth of cities. Unless some practical plan can be speedily developed by which the owners will cause them to be modernized and made desirable for dwelling purposes, action on the part of the City or State will become necessary.†

Permanent Housing Conditions Outside of New York City.—Permanent conditions of housing are nowhere in the State as bad as in the City of New York. But this is a matter of degree.

Nowhere is the congestion as great, nowhere have land values risen as high as in the metropolis. But in practically every other city one finds embryo slums — wooden buildings serving as houses, crowded together on

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* In England, where in the past, similar problems have been met by destroying old slum districts and by replacing them with new homes for the working man, the Ministry of Health on account of the expense of new construction now suggests the conversion of old houses into apartments. The Government in the Manual of Conversion of Homes for the Working Classes (Ministry of Health, Published by His Majesty's Stationer's Office, 1919, 1 shilling) proposes where the cost of acquisition and conversion is substantially less than the cost and provision of an equal number of new houses that the local authorities shall "(a) acquire houses and convert them into flats, (b) lend money to owners to do same (c) or assist in modification of restrictive covenants so as to permit of conversion."

† Programs of the competition are printed separately and may be secured on application.

badly kept alleys, complete lack of sanitation, inadequate water supply, insufficient fire protection, dark rooms.

A large number of the towns and cities from which answers were received to our questionnaire reported overcrowded or unsanitary conditions. The reasons given for these conditions varied — from lack of care on the part of tenants to the high cost of land. Poor building codes were given as a cause by a number of towns. Some of the answers reported that the transition from business to residence made it necessary to alter houses and it was impossible to give them proper air and sanitation.

In a number of cities, the difficulty was traced directly to the lack of proper city planning, to the poor layout of streets, to the lack of sewers and water. It is apparent that without proper planning on the part of our cities and without proper guidance and control in the location and arrangements of house that the smaller cities are tending to follow the lead of New York toward ever-increasing congestion with all its dangers to health and the general welfare. It is much less difficult to cure the evils in the smaller cities. But there is a tendency to neglect the difficulty until it becomes acute and practically beyond a cure as in New York.

Conditions that exist in almost every city are exemplified by these excerpts from a war-time report on rooming houses in Troy made by John Nolan and Dr. James Ford in 1918 — "There is reason to believe that dark rooms without windows or with windows only to neighboring rooms will be offered to roomers, as construction of this type of room is common in Troy * * *" "The local ordinance permits the construction of windowless bath rooms."

Result of Present Housing Emergency.— These evil conditions have naturally been accentuated by the present housing emergency. Single family houses have been converted into two or three-family houses without proper sanitary facilities or sufficient fire protection. Congestion has been increased in the crowded houses on alleys and around inner courts.

Reasons for Existing Conditions.— It is apparent from the above description of permanent living conditions that the insufficiency of decent houses is not a new but a permanent problem in this State. As a result, a large part of the population has been housed in a manner detrimental to the health of the community.

Since it has been economically impossible for many years past to provide a large part of the population of this State with homes, and a decent house, costing more than most workers could afford, they were forced to live in the old hovels and tenements such as have been described in this report. The present emergency differs from normal times in the degree of suffering. A portion of the population unaccustomed to the hardships of the old houses is being forced down by the present costs. The poor are in normal times inarticulate. They have suffered so long, that they have come to accept all the evils of their homes as a natural course of events.

There is an actual shortage of sufficient walls and roofs at present. A shortage of homes fit for Americans has always existed in this State.

The greater part of the workers have been inadequately housed because their wages were insufficient to pay the rent or cost of decent sanitary homes.

An inexpensive house with land and street improvement cost $1,800 before the war. A single unit in a tenement house cost as much.

Speculative builders generally demand a return of 12½ per cent on their investment. They would not invest unless they could count on at least 10 per cent return per year, including all taxes and other charges. That meant that rentals must be $180 a year or $15 a month for an $1,800 house. A Week's wages for a month's rental is generally accepted as the most that a family can afford without stinting in clothing and food to the extent of impairing health. The blocks surveys showed that most of those from whom it was possible to secure definite information were spending a much smaller percentage of the wages for rent. A survey made by the United States Bureau of Statistics in 91 localities throughout the country in 1918–19 showed that for incomes between $1,200 and $1,500 an average of approximately one-eighth of the family income was paid for rent.

It is apparent that under the most favorable conditions only those workers earning $15 or more per week before the war could hope to rent a new

house. The Bureau of Statistics and Information of the New York State Industrial Commission has compiled the following statistics of the average weekly earnings in representative New York factories, including all employees both office and shop.

The average for the years

1914	1915	1916	1917	1918
$12 48	$12 85	$14 43	$16 37	$20 35

In November, 1919, the average weekly wage had risen to $25.37.

During 1914 to 1916, more than half the workers in factories were apparently earning too little to be able to afford to rent or purchase a new house. By the time that half the workers were earning more than $15 in 1917, building had ceased. And at the end of 1919 with the average double that of 1914, the cost and difficulties of building had made it impossible for a still greater part of the population to own or rent a decent home.

The fundamental difficulties of supplying sufficient homes were the same before the war as they are to-day. At present the problem is accentuated by building conditions and the increased shortage brought about by lack of building during the war. But no solution of a present problem can meet with even temporary success that does not offer means of permanently reducing the cost of houses so that workers throughout the State may be able to live in sanitary, wholesome homes.

In the past, the return on investment in housing, particularly in the city of New York, has been so small that builders and capitalists have become more and more reluctant about building. A large part of the owners of tenements in New York city have received a small, if any, return on their investment. It is improbable that houses will be built for the poor for many years by any speculative builders excepting those who lack experience.

Past tendencies have been accentuated by conditions arising out of the war. Ameliorative legislation may serve temporarily to relieve some of the present suffering. Fundamental legislation is necessary if we are to have an adequate supply of houses.

It is essential to the health, happiness, industrial success and general welfare of every individual as well as the community as a whole, that all of the inhabitants of the State be afforded an opportunity to live in decent homes and in pleasant, healthful and attractive surroundings. Such opportunity is possible to a steadily decreasing minority.

CONCLUSIONS

It is impossible to supply the population of this State with decent homes unless the cost of housing be reduced. Merely raising wages will not serve. Increased wages have a tendency to increase the cost of living, of which housing is such a great factor.

The Responsibility of the State,—The State has been slow to accept its responsibility to see that its workers were housed. For our greater cities, we have had restrictive legislation. The state has said: "You shall not build below a fixed standard." Such legislation as the tenement house law has done much to improve living conditions. It has done nothing to decrease the cost of building. In other countries, both in Europe and America, the state assumes the responsibility of seeing that its working population is properly housed, not by the exercising of police power, but by direct constructive action.

Every civilized country, excepting the United States, had some form of constructive housing legislation before the war. World-wide prominence has been given the housing problems partially as a result of war and prewar conditions. Every other nation is attempting to solve the problem by constructive action of the state.

As we find that no solution of the problem is possible without fundamental economies, we have examined all those factors which enter in the cost of housing to find if the state can suggest means of reducing the cost and improving the quality of houses. The factors that enter into the cost of housing are land, taxes and assessments, planning, building and management.

LAND

The basic reason for the congestion of our cities is the high cost of land. Only the wealthy can afford to live at such a distance from our urban centers that land is cheap. As population increases, so do land values. The man of moderate means is driven into the suburbs. The poor man is forced into smaller and smaller quarters in the congested areas. The increased value of the land, which comes from proximity to cities, is generally sufficient to prevent a large part of the workers from escaping from the slums.

Land Values. The increased values of land which result solely from the fact that individuals are crowded together are of no benefit to those who create them. This land increment, in most cases, is wasted in land speculation. If the city pays for a subway to distribute the population over a wider area, the land along the subway immediately increases in value. This increment, the result of the action of the community in building a new subway and in making use of certain parts of this new territory for residential purposes generally goes to speculators. It is charged as a part of the cost of the house, either as rent or selling price. This increased value that comes from the causes above mentioned alone is sufficient to deprive a large part of the workers of this state of the chance to get decent homes.

The extent to which the increase in the cost of land brought about by its use enters into the cost of houses, is shown by the study made of the City of Lackawanna, N. Y., by Mr. Herbert S. Swan for the Committee on Industrial Towns. In 1899, the Lackawanna Steel Company created a new city on vacant land near Buffalo. As farm land, before its settlement, it was worth $770,000. Prices were increased when the steel company tried to buy large tracts. The total value of the land when the town was founded in 1899, exclusive of the land used for the plant was $1,983,000 00

The city has collected special assessments for local improvements 245,000 00

Total cost in 1916. . . . . $2,228,000 00

After Lackawanna had become a city of about 14,000 population, the land value (exclusive of the plant lands) totaled 9,016,000 00

The net increment, which the people of Lackawanna have given to the lucky land owners and speculators was, therefore 6,788,000 00

The land value in Lackawanna between 1899 and 1916 had increased from $91 per person to $644 (the plant land being eliminated in each case). There is a difference of $553 per person or for a family of four $2,212. This is the amount that might have been saved to each family if the increased value of the land had been held by the community. A good house could be built for little more than that amount before the war. But a large part of the population of Lackawanna is crowded into dingy hovels, while large areas of land remain uninhabited. In fact, living conditions were so bad there in 1916 that about 70 per cent of the workers in the steel plant lived in Buffalo, and of 7,000 men there was a weekly labor turnover of 1,500.

To a great extent the problem of housing is a land problem. The influx of a population into a new area immediately augments the value of the land. The newcomers pay the increase in rent or cost of house. Any improvement in housing has the same results. Neighboring land goes up in cost. Further improvements are stopped by the increased costs.

The remedy seems to lie in community ownership and control of large tracts of land. This principle of group ownership of property has been followed with success by numerous copartnership tenancy societies of England, as well as in Belgium. The member of a copartnership society becomes part owner of the whole community, not merely owner of his own home. A great many workers do not want to own their own home. They

insist on being free to move. Ownership generally means the burden of a mortgage. The copartnership society gives him the possession of a home as long as he invests in the company's stock. When he wishes to move, he can dispose of his stock. He has all the advantages of the individual ownership of a single house. He is tenant and landlord in one. He has no fear of rent raising. The annual cost of his home is based on actual expenses not on the scarcity of homes. The land increment goes to the benefit of the community in schools, parks or other improvements or it serves to decrease the rent.

Co-operative Housing.— An experiment in co-operative housing on a small scale is being tried by a Finnish colony with an apartment house in Brooklyn. It has succeeded in preventing large increases in rent. But a small experiment of this kind is of little use in meeting the problem of land values. No small operation can be really effective. Its developments, if living conditions are improved, serves to increase the cost of houses in the neighborhood. The only way in which the community as a whole can control rising rents and prevent evil housing conditions is by the ownership of sufficient vacant land in the neighborhood of the city. Then as the value of the land rises, because of its use for housing purposes, the city — or those who live in the houses — will profit. This is one answer to rent raising. Let the increased value of land go to the people — not to the land owners.

Municipal Purchase.— If a city were to purchase outlying land along the lines of next probable development and improve it with streets and sewers when people are ready to build on it, it would merely be following the course pursued in such matters by a wise and far-sighted business corporation. To benefit by such a move, the city need not engage in the business of building or renting houses. It could let the land on generous long term ground leases to tenants who would agree to build thereon.

In some parts of New Zealand, Queensland, for example, the State owns large areas of land. This cannot be sold. But it may be rented, and the tenant can have every advantage of ownership. He may even leave it to his children to live in. But neither he nor they may speculate in it. The increased value that comes to the land as the community grows goes to the State.

Such a plan would be susceptible of a variety of applications in accordance with the policy of the city adopting it. But in one form or another, either in lowered rents, public improvements or decreased taxation, its citizens would hold and use for their joint benefits the increment in land values which was due to their own activities.

TAXES AND ASSESSMENTS

The outlying districts of our cities are taken from use for farming and platted for residence long before the community is ready to make use of them. Streets are laid, gas, electricity, water, sewers are installed. The city assesses the property owner for improvements. It increases his taxes because of the increased potential value of the land. The haphazard growth of our cities is such that for many years convenient land, prepared for housing purposes may remain idle. For long periods there is no return on the money invested in the property. It no longer produces food for the community. The loss to society can never be made up. The financial loss to the individual holding the property due to taxes based on the future usefulness for years is very considerable. It is as far as possible charged to the future house owner or tenant. This loss forms a substantial part of the waste that the community squanders on housing.

This waste is due in part to lack of knowledge on the part of the land developer. It results to a greater extent from failure of our municipalities to govern their own growth. The cities of this State have accepted their responsibility to care for their growth in supplying public utilities and even transportation wherever these are not economically supplied by private corporations. The zoning law of New York City was the first assertion by the city of its right and duty to protect the individual and community

through the regulation of the future use of the land. The zoning law prevents to a degree the waste that comes from the constant destruction due to the change of the use of the property. But only to a limited extent does it protect the outlying regions from the wasteful development of upper Manhattan and The Bronx. One still sees in the Borough of Queens five-story tenement houses similar to the packing box rows of the congested parts of Manhattan, standing in complete isolation, surrounded on all sides by large areas of unused land.

Board of Housing and Community Planning.— A Board of Housing and Community planning is needed in every city and town to develop constructive plans for eliminating the waste and poor planning of our cities, as well as our houses, that comes from our present systems of haphazard growth. Among other activities, a central State Bureau of Housing is needed to collect and distribute information in regard to the experiences of other localities in America and other countries in regard to the following:

1. The orderly and logical development of cities in such a way as to keep a sufficient amount of land convenient to the city ready for residential use, without crowding, and at the same time prevent land from lying idle.

2. The development of economical platting and of laying out of street.

In spite of the experience of other countries, we continue to lay out all streets in a checker board system with roads and sidewalks of equal width whether for private or business use. All of this adds to taxation and assessments, and thus to the cost that the community must pay for housing.

MONEY

Sources of Supply.—The ordinary sources for building loans in the State of New York are:

1. Small lenders.
2. Building and loan associations.
3. Banks, insurance companies and other large lending institutions.

The small lender had found even before the war that housing, particularly for the poor, was unremunerative. He is being eliminated in the cities because of the large scale on which building operations are usually carried on.

Building and Loan Associations.— Building and loan associations have helped the small builder. But for the more economical and practical large scale building operations, they are at present of no assistance. With a sufficient credit at low rates there is no reason why these organizations might not successfully deal with large operations.

Other Loaning Institutions.— Banks, insurance companies and large lending institutions have in the past lent a large part of the money that has made housing possible in New York city and throughout the State. It has mainly been dependent on these companies to decide whether or not and when homes should be built.

The Housing Committee of the Reconstruction Commission held a series of conferences which were attended by the heads of the principal loaning institutions during the first half of 1919. At the earlier sessions, it appeared that no money was available, on account of the lending institutions' large holdings of Liberty Bonds. However, after these conferences had considered the real need of more houses and had clearly developed the fact that there was no probability of a decrease in the cost of building, likely to make housing materially cheaper during the coming five or ten years, lending institutions offered loans on housing. These loans, however, are naturally at a higher rate of interest than that charged before the War. In most cases, they are based on a smaller percentage of the actual value of the building and land than formerly.

The lending institutions now show a great reluctance to make loans. They are in no mood for extending liberal credits on new homes. Other forms of building offer much better returns than does housing.

There is little chance of sufficient money being obtained from any of these sources to satisfy the annual demand for new houses, to say nothing of making up for the present shortage. Such loans as will be made will be for houses beyond the means of a large part of our working population.

But the situation with regard to housing for the poorer paid worker is worse in this State than it was before the War, excepting in degree. Houses for the lowest paid wage earners have *never* been built in the State of New York. The poorer paid worker takes the house that is abandoned by the better paid earner. Private venture has never built houses for the low paid wage earner; it never will.

It is becoming more and more difficult even to secure loans for the homes of clerks or more skilled workers. Because private initiative cannot make the housing of our worker pay is no reason why they should go homeless. If private initiative cannot develop a plan for meeting this situation, the State must do so.

State Credit.— A policy of loaning money at low interest rates for housing has been developed by almost every other civilized country, excepting America. It is the policy of lending the money or the credit of the State for the building of the right kind of workers' homes. This does not mean that the State is to build such homes. It does mean that the State is to own such homes and operate them. It does not mean that the State is to offer subsidies for the construction of homes. It does mean that the State shall lend money on its credit to limited dividend corporations, to other organizations or to individuals for the purpose of building houses. Such loans should be made only on houses that will provide a decent standard of living conditions, the minimum of which is to be fixed by the proper authorities. Preference should be given to operations of such a scale as to assure economy in planning and construction.

The advantages to be gained from the use of State credit are many. It will make loans available for a type of house for which no money can now be secured. It will make it available at the low rate of interest at which the private individual cannot borrow. The State can also afford to make these loans for a long period of years, with gradual amortization. In the case of private loans, these must generally be paid off in a short period and at every renewal there is an additional charge against the owner, handed on in turn to the tenant.

Needless to say, any provision for State credit for housing requires the creation of adequate machinery to safeguard its use and careful study to see that it is used wisely and for the benefit of the community as a whole.

One of the first duties of a State housing board or bureau, and of the local housing bureaus proposed by the Reconstruction Commission, would be that of working out such means of using State credit for housing as will fit the needs and habits of the workers of New York State without loss to the State. A plan should be developed that will assist in the most practical manner possible towards the erection of adequate homes in a wholesale environment for workers at a rental cost solely determined by the actual cost of land and building. They should also work out means of controlling the rentals so that rentals will not depend on the scarcity of homes.

Much material for this study is to be found in the experiences of other countries, practically all of which have in some manner used State money or credit to assist in securing homes for workers.

In order that ample funds might be at command, it is proposed that the institution be authorized to issue bonds, bearing a very low rate of interest. The State might (1) guarantee these bonds; or (2) the State might invest in the bonds, issuing its own bonds for the necessary funds. It will be noted that if the latter course were followed, the bonds of the institution would

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*For further information in regard to constructive action of foreign countries in housing, see further.

**One of the solutions of this particular problem that have been suggested to the Reconstruction Commission is that a general savings and loaning institution be established by the State. This would resemble partly our present saving and loan institutions and partly Credit Foncier of France but with the element of profit subordinated through the limitations of dividends. Branches would be established throughout the State, deposits accepted and loans made for the construction of houses for wage earners.

be entirely freed from the payment of any income tax, either state or federal, since they would be held by the State, and the State bonds issued for the acquirement would be likewise income tax free, the institution would thus command all the funds necessary at an extremely low rate of interest.

As a State or quasi-State institution, not organized for profit, founded for the purpose of encouraging home building, and conducted upon the safe business principles of a savings bank, such a foundation would be in a position to finance any properly conducted enterprise looking to the housing of wage-earners. Its three features, most advantageous to the people of the State, would be

1. The purpose of its establishment;
2. Its command of funds; and
3. The extremely low rate of interest which it would be in a position to offer.

PLANNING

Much of the high cost and evil conditions of housing both in towns and cities is due to the planning and building of small individual units. There is the same economy in large scale operation in the building of houses as there is in the production of clothing or any other commodity. There is a still greater advantage in the planning of large groups from the point of view of better living conditions, and from the point of view of appearance.

A study for the Reconstruction Commission made by an architect experienced in modern tenement construction,* and a group of experienced building and real estate men indicated that despite the provision of greatly increased court areas than those commonly provided, apartments can be planned on the same sized lots and yet give at the same rental per room, a greater return on the investment. These results were obtained by careful planning of large units.

A comparative study was made of the development of a square block.

1. Using over 70 per cent of the area for building, as permitted by the existing law and with less than 30 per cent left for light and air.
2. With 37½ per cent of the land covered with building and with 62½ per cent for light, air and recreation.

As the basis of the study of the existing system of building, one of the blocks which was studied in the surveys made under the Housing Committee was used. The Tenement House Law minimum requirement for five-story buildings excepting for corner buildings, which can cover a greater part of the area, is that courts be six feet wide from the party line; wherever the courts of two adjoining buildings are situated side by side, this gives a court of 12 feet, which is the maximum found in our ordinary tenement construction. For the minimum requirements of such regulatory laws as the Tenement House Law are likely to become the final guide of the planners of most of our tenements.

A careful study based on present costs of production has shown that with the same cost per room to the tenant, the present type of construction will give smaller return to the owner, cost him more to operate, and give the tenant less air, less light and no play space but the street for the children. The new development studied by the Reconstruction Commission would not only give greatly increased light and air to every room but would also give sufficient outdoor play space for the children. All of this at the same cost to the tenant, would give the owner, with less of his land occupied, a better return on his money.

The economy of operations of this kind can only be demonstrated in large operations, such as block square units. It is only through developing in this manner that it is possible to make the maximum use of the space unoccupied by building. The plan which is attached shows how this space can be thrown into a common garden or playground. Small unit building will not relieve the present shortage or be as economical or as sure in return as larger scale operations. The maximum social benefit is also only to be secured from larger units.

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*Mr. Andrew Thomas.

The success of such a development depends on all of the following factors:

1. That cheap land be used.
2. Large scale operation.
3. Careful planning to eliminate all waste space, generally used for corridors, hallways, etc.

The following from the report of the special committee show the figures on which they based their conclusions:

The Thomas plan as per sketches attached, shows the following on an inside plat 100 x 100, five-story building:

Number of rooms on a floor	22
Number of rooms in a house	108
Percentage of lot covered	37½%

In the typical five-story apartment, built in 50-foot units in the plan common to the Bronx and Manhattan, the normal arrangements are as follows:

Number of rooms on a floor	36
Number of rooms in a house	176
Percentage of lot covered	70%

Comparing the two plans, the result is as follows:

Typical plan, percentage of lot covered	70%
Thomas plan, percentage of lot covered	37½%

The increase in lot area covered by typical plan compared to Thomas plan is 85 per cent. The increase in the number of rooms of the typical plan as compared to Thomas plan is 62½ per cent.

Cost

House built on Thomas plan on a plot 100 x 100, shows as follows:

Total cubic feet	241,000	
Cost per cubic feet	30¢	
		$72,500
Cost of land		10,000
Total		$82,500

House built on typical plan on a plot 100 x 100, shows as follows:

Total cubic feet	448,000	
Cost per cubic feet	30¢	
		$134,500
Cost of land		10,000
Total		$144,500

Rents

Thomas plan, 108 rooms, at $9 per room per month	$11,664
Cost of operation, estimated to equal 47% of the total income	5,475
Leaving a net income (which is 7½% on the total cost)	$6,189
Ordinary plan, 176 rooms, at $9 per room per month	19,000
Cost of operation, estimated to equal 47% of the total income	8,900
Leaving a net income (which is 6.9% on the total cost)	$10,100

In computing the cost of operation, figures were furnished by various of the larger builders and owners of moderate priced apartments, showing a cost operation of between 45 per cent. and 50 per cent. of the total income on the properties.

In computing the building costs the following data has been obtained:

Group of buildings in the Bronx, erected in 1914, 5-story tenements. Cost per cubic foot without carrying charges	14.7
In one model tenement, erected in 1915. Cost per cubic foot without carrying charges	17.
In a row of 5-story tenements erected in 1916. Cost per cubic foot without carrying charges	16.8

A. J. Thomas states that based on buildings erected by his clients, that the cost averaged between 15 cents and 16 cents per cubic foot, without carrying charges.

All of these houses were of a medium high-grade construction.

The present-day costs have been figured by taking comparative bids on various items entering into the construction costs and indicates an increase of approximately, 50 per cent.

Taking as a base price 16 cents in 1914, the increase today is about from 50 to 55 per cent. Adding 9 cents per cubic foot for increase, and 5 cents per cubic foot for carrying charges and builders' profit, shows 30 cents as a total maximum cost.

It is fair to assume that with a large volume of construction, the cost can be reduced.

Model Tenements — Manhattan

Proposed location — Entire block, Manhattan.

Buildings — 6 units, 6 story, non-fireproof corners, occupying 75 per cent. of land. Inside occupying 67 per cent. of land.

Total number of rooms — 1,744.

Cost — Land at $10,000 per lot	$280,000
Buildings, 3,784,000 cubic ft., at 30¢	1,135,200
	$1,415,200

Income

1,744 rooms, at $2.10 per week, includes electric light	$190,444 80
Expenses	148,292 40
	$42,152 40

Equals .0595% on equity.

Expenses

50% of rents for operation	$95,222 40
Interest on first mortgage, one-half of cost, $707,600, at 5½%.	38,918 00
Amortization, 2% on $707,600	14,152 00
	$148,292 00

Since these studies were made, prices have greatly advanced. However, the development of a block by a corporation in the borough of Queens and the large operation of the City and Suburban Homes Company in Brooklyn have shown that far better living conditions can be secured with greater return on the money invested by well-planned large operations.

The same principles of planning apply to the grouping of detached houses in the smaller cities and suburbs. Rows and rows of isolated houses have been built in such a way as to rob the neighboring houses of air and light.

Large Scale Planning.— As a result we have ugly inharmonious towns. It is only through group action and large scale operations that a better type of plan can be obtained. Without such co-operative building it is uneconomical to build the cheaper type of homes for workingmen.

We have in the past sacrificed much in order to provide a system of land development which can be subdivided in such a manner as to permit each owner of a small lot to develop his own plot independent of his neighbors. This system has been inefficient and wasteful. Narrow deep lots lead to badly arranged houses with long corridors. Our land sub-dividers in laying out new land have seldom considered the type of building that would ultimately be erected there. The same sized lots are arranged for detached houses and for apartments. The use of the 25-foot lot was an important cause of the conditions in the dark old-law tenements of New York City which have been described elsewhere in this report. The three-decker, the worst of fire traps — of the suburbs and smaller cities is another result of the use of narrow lots.

The difficulties of securing mortgage loans for large operations has served to prevent the erection of very large units, particularly of the cheaper type of apartment. Group or co-operative action will be necessary to secure the economies and advantages of large scale operation.

No effort to provide better housing conditions at less cost can be successful unless it be made a part of the plan of the community as a whole. Our streets, gas and other public utilities are not used to their full advantage because of uneconomical distribution of homes. There should be a proper scientific study and dissemination of information concerning economical planning and building.

Zoning and City Planning.— The proper location of houses in relation to industry and recreational facilities is the most important factor in the development of any policy that will lead to improvements or economies in housing. It is impossible to separate our housing problems from our industrial problem or our transportation problem.

During the stress of war, America seems to have realized for the first time the fact that factories are useless unless sufficient workers can be adequately and comfortably housed within convenient distance of their work.

Leaders in industry and business in Poughkeepsie, Albany, Elmira, Jamestown, Lockport and many of the other cities of this State now realize the necessity of financing housing for the workingmen in their factories. They have formed housing corporations for that purpose. These cities have a big opportunity. They have accepted the housing problem as a community problem. They can solve it only if they handle it in a big way. They can not solve it with loans to individuals — no matter how liberal these may be. They must meet the increased cost of housing — by economies that can be secured through careful planning, sound building and above all through large scale operations. Housing corporations formed to meet the present emergency should go further than the mere offer of loans to the individuals. Individual operations can not be economically undertaken. The real service will be in the undertaking of large-scale operations, actually building the houses which will be readily purchased by the people to whom the corporations stand ready to advance loans. This is the only way that the increased cost of building can be even partially met. It gives the community the opportunity, not only for a physical plan that is advantageous, but also for securing material and standardized equipment in large quantities that will bring down costs to a point where it will be possible to construct without fear of future loss.

It is of the utmost importance that these new houses be properly located in relation to the factories and to places of recreation. Otherwise they will be left vacant when houses in more advantageous situations are built.

The growth of our greater cities shows the waste that comes from lack of foresight in planning our communities. New York City has brought together on one small island industry and business requiring the daily attendance of millions more of men and women than can be comfortably housed within convenient distance of their work. As a result we have the congestion of the slums. As a result we have the inhumanly packed subways. The housing problem of Manhattan can not be solved by more houses. There is not room enought, land is too expensive. Transportation cannot solve Manhattan's problem. As each new subway line is finished, it is filled. The average length of travel per passenger increases every year. This means that the cost per passenger is constantly increased. Ultimately the community is bound to pay that increase. And yet new industrial buildings are planned for the more crowded parts of our cities where land is too expensive for housing. The clothing trades plan to build in Chelsea. A survey made by the City Club of New York for the government during the war showed that there were no vacancies in livable homes in this region. The cost of land is such that practically no apartments at prices that can be afforded by workers have been built since the new tenement house law went into effect in 1901, or can be built, in this region excepting by semi-philanthropic associations or limited dividend companies. All transportation lines leading to this part of the city are crowded. The location on the Island of Manhattan of certain industries connected with the port of New York is essential to the welfare of the city, the State and the Union. Other industries might far better serve the community by being placed elsewhere, where workers can be housed within convenient distance.

New York has grown without plan to the point where it is choking its own growth. The one way street is but a temporary solution of our traffic difficulties. More and more subways will not solve our transportation problems. More houses — unless we have a plan for their location — mean more congestion and higher cost of housing.

We must recognize that the solution of the housing problem means community planning in a large sense; it means the zoning of cities for the purpose not only of protecting existing residential districts from encroachments and then securing the permanency of such districts but also for the purpose of planning the future use of undeveloped parts of our cities in the most economical manner that will make it possible for our workers to lead rational lives.

There are certain definite limits beyond which our cities cannot grow without loss of efficiency and without endangering the welfare of the community. This has been recognized in the garden cities movement in England. The garden city is not a suburb of an existing city. It is a self contained community, in which provision is made for agriculture, industry and organized social life. The size of such communities must be limited as it is in the successful experiment at Letchworth, England. They must be related to other communities. They must be organized for the purpose for which they are best fitted with reference to their physical and geographical conditions.

We can never hope to solve the housing problem until we have decentralized industry and limited the size of our cities.

Our housing problem means community planning in the larger sense; that is, the relation of any particular housing problem in one locality to the industry and civic growth not only of that neighborhood, but of the district and indeed of the whole State. Wise planning of this character would actually previse eventually the whole problem of centralization or decentralization of industry districting and zoning of the State itself.

BUILDING LAWS

In New York we build primarily to sell, not to house. Most of the tenements of New York City are built as poorly as the law will permit. They are put up as a speculation. They are filled with tenants while they are new and still in good condition. Often tenants are induced to move in through offers of low rent. When a house is filled, it is sold. Before long, it begins to deteriorate; the new owner sees his promised profits eaten up by bills for repairs and patching. In times of housing scarcity, such as the present, he is able to pass the additional cost on to the tenant. He becomes a so-called "profiteer." In normal times, he pays the bill — one way or the other the community loses. In the total cost of housing, that portion which is due to inefficient and poor construction is no small item.

The present scarcity of housing may give an opportunity to the builders in our smaller communities to do what the big city speculator has done in the past, to use poor construction and materials, and frequently and for years such property has been a poor investment and the builders have suffered great losses. Restrictive laws and proper inspection by efficient officials are needed to prevent the squandering of millions in houses that will quickly deteriorate. Most of the towns or cities of this State outside of New York City and Buffalo have insufficient or antiquated building or housing laws. As a result we find not only poor and dangerous construction but indecent and unhealthy sanitary conditions and unsatisfactory, inflammable buildings in congested regions.

One of the items in the questionnaires sent to cities and towns outside of New York City, was: "Are there any laws dealing with house buildings or conditions of upkeep." Answers to this question were received from 61 communities; 29 of them reported that there were no such laws. The answers from the 32 towns or cities reporting some type of law are enlightening. Four state that the laws apply only to buildings within the fire limits, others that laws refer only to frame buildings in mercantile district, still others only to plumbing (and these are antiquated), a number report only sanitary laws, others only fire laws or only building laws. A few of the reports explain that the health commissioner has charge of building of houses. Practically no place excepting the largest cities report both building and housing laws.

We are entering on a new era of house building. The communities of this State are prepared to see that the workingmen of their cities have homes. They should insist that these be decent homes. They should set a standard. They should all have both housing and building laws. The preparation and development of such laws, should be an important function of state and local housing boards. Such laws should prevent the erection in this State of any house that does not comply with certain minimum requirements for healthfulness, safety and decency. Even rural districts have their housing problems. It is much easier to prevent the growth of housing evils than to cure them. Not merely tenement house laws, but housing laws, are needed. Poor sanitation, insufficient light and air are quite as dangerous in a single family, a two family house or a boarding house as in a tenement.

The requirements of housing laws should differ for country, town, suburb or city. Care should be taken that such laws shall encourage progress and betterment of standards, and discourage paralyzing uniformity.

A comparison of the "new law" houses in New York City with the old tenements that have been described elsewhere in this report, or even with the wooden three-deckers that form the slums just outside the city limits are sufficient evidence of the need of restrictive laws. But care in the formation of such laws is needed to prevent their becoming restrictive not only as to bad housing but restrictive as to progress in house planning. In spite of the fact that the Tenement Law in New York City has been admirably and equitably administered by able officials, the inflexible character of the law has tended to discourage invention and progress. Our method of developing and administering restrictive housing legislation, particularly the New York Tenement House Law should be given immediate consideration by the proposed state and local bureaus. They should consider the advisability of giving the Tenement House Commissioner certain discretionary powers similar to that vested in the Superintendent of Buildings with appeal to a board of appeals.

Effect of Restrictive Legislation.— Restrictive legislation — such as the New York Tenement House Law — when operating alone — does not supply the worker with a better home. Such laws insure that houses shall have a minimum of light, air and sanitation. It tells a builder what he cannot do. The effect of such laws is to increase the original cost of buildings. This means that for a given cost a workman will obtain a smaller house. Such laws are necessary to protect the community against the greed of individuals.

To counteract this force means must be found through constructive housing legislation to eliminate the waste caused by —

a. Small scale operations;

b. Our system of competition in building resulting in duplication of equipment and effort;

c. The artificial maintenance of prices of materials by combinations.

Large Scale Building.— The advantages to be gained by large scale building are apparent. The small speculative builder has failed to supply workers with houses at all commensurate with the cost and labor involved. The price of each house can be materially cut by erecting groups of dwellings at the same time. But the saving goes to the speculator unless the workman is a member of the organization that is erecting the buildings. The cooperative system offers a method by which the saving that comes from large scale operations may benefit the future occupant.

MANAGEMENT

Good management is practically impossible for the cheaper type of house unless a group of houses are under a single management. There is the same economy in large scale management that there is in large scale planning and large scale building.

The condition of the tenements of New York disclosed by the block survey are due not only to bad planning and poor building but also to inadequate care of the building. Most of these tenements are now owned by absentee landlords. Many of them are controlled by men who have leased them for the purpose of miking a quick speculative profit. They are not interested in the living conditions of those who inhabit the houses excepting

as it affects the return on their investment. The care of the house is left in charge of a janitor who in many cases, our investigators found, was not paid more than $6 a month and the use of a few dark rooms. The conditions of the houses resulting from neglect and decay have been described elsewhere in this report.

The proper care of the houses cannot be secured without the cooperation of the tenants. They are careless and destructive partially because they are only temporary lodgers. They do not feel that their apartment is home. They will not care to have it as a permanent home until it is better planned as to light, sanitation and convenience. They would care to help keep it a proper place if they had some part in its management and perhaps its ownership.

The changes which we propose as a means of reducing the cost and improving the quality of housing in the State can only be made possible through legislation. Because of the present housing emergency, that legislation should be passed immediately. But no lasting reform can be attained by legislation alone, there must at the same time be a wide public understanding of its need and purpose.

RECOMMENDATIONS

The conclusions of the Housing Committee were presented to the Commission by means of two plans as follows:

PLAN A

1. It is recommended that a law be enacted requiring the appointment of local housing boards in communities having a population over 10,000, the members of such boards preferably to serve without pay, and for the appointment of a central State housing agency for coordinating local effort. The function of the central and local boards shall be—

a. Aiding each locality in meeting the immediate pressing need for sufficient homes.

b. Collection and distribution of information relating to housing and community planning.

c. Assisting in the preparation of housing laws, zoning ordinances, state wide regulatory or restrictive housing and building codes, etc.

d. Study of the means of lowering the cost of housing through better planning in the construction of homes and through their proper location.

e. Development of a means for using State credits to apply to housing at low rates of interest without loss to the State. To set the standards for the use of such credits and to fix limitations upon the return of money borrowed from the State for housing purposes. To assist in the most practical manner possible in the erection of adequate homes in wholesome environments for workers at a rental cost dependent on the actual cost of land and building. This work to be preparatory to the passage of a Constitutional Amendment suggested as No. 2 of Plan A.

2. The enactment of a Constitutional Amendment permitting extension of State credit on a large scale and at low rates to aid in the construction of moderate priced homes.

a. This does not mean that the State itself shall build such homes.

b. It does not mean that the State is to own or operate houses.

c. It does not mean that the State is to offer subsidy for the construction of homes.

d. It does mean that the State shall be enabled to loan money on its credit to limited dividend corporations or to individuals or to organizations, to build houses of such standards, as to light and air as the State or community may determine to be desirable, the rentals of such houses to be controlled.

e. There are many methods by which State credit might be made available. It should be one of the first duties of the Housing Bureau and the local boards to make a thorough study of this matter.

3. Passage of an enabling act permitting cities to acquire and hold, or let, adjoining vacant lands, and if necessary to carry on housing. This legislation should be such as to permit conservation of the increment of land values for the benefit of the community creating it.

Plan A was concurred in by a majority, viz.: Mr. John Alan Hamilton, Dr. Felix Adler, Mrs. Wm. H. Good, Mr. Peter J. Brady, Mrs. Lewis S. Chandler, Mrs. Walter W. Steele, Messrs M. Samuel Stern, George Foster Peabody, Edward F. Boyle, Mortimer L. Schiff, William M. K. Olcott, Richard S. Newcombe, Charles P. Steinmetz, Addison B. Colvin, Dr. Henry Dwight Chapin, Hon. Abram I. Elkus.

PLAN B

1. It is recommended that a law be enacted requiring the appointment of local housing boards in comumnities having a population over 10,000, the members of such boards preferably to serve without pay, and for the creation of a central State agency for coordinating local effort.

2. Study and preparation of a report to the next session of the Legislature concerning all of those matters referred to as the duties of the housing boards in Plan A and especially methods of extending State credits for construction of homes.

3. The study and report on the advisability of enacting enabling acts permitting cities to acquire and hold, or let, adjoining vacant lands, and if necessary to carry on housing. This legislation should be such as to permit conservation of the increment of land values for the benefit of the community creating it.

Plan B was concurred in by a minority, viz., the following — Messrs. J. N. Beckley, John C. McCall, John G. Agar, Garrit Y. Lansing, Mrs. Harry Hastings, Mr. Thomas V. Patterson.

Messrs. Alfred E. Marling, S. J. Lowell and Henry Evans voted for neither plan.

CONCLUSION

The Commission's specific recommendations for legislative action have been set forth in the opening paragraphs and discussed at greater length in the body of this report, but there are certain observations upon the general housing situation which can perhaps be most fittingly made in conclusion, as they are based upon all the facts contained in the foregoing pages.

The crux of the general building situation is the loan or mortgage market. With adequate loans obtainable on reasonable terms, the general housing situation would tend rapidly to adjust itself, as the law of demand and supply would be in free operation.

Speculative builders are generally ready, even eager, to build upon a rising market, as they count upon prompt sales and quick profits. The general public also is almost always on the "bull" side of the realty as it is of the stock market, and will generally buy freely upon the theory that the longer it waits the more it will have to pay.

Lenders, however, are of necessity forced to consider first the safety of their loans. They are not primarily concerned as to whether the market is high or low, but they are very keenly concerned as to its stability. Uncertainty as to the permanence or long continuance of the present high prices for material and labor is the predominant cause for the existing lack of adequate loaning accommodations. As soon as capital reaches the conclusion that values are upon a stable basis building will be resumed to as great an extent as the demand justifies, and until that time is reached building will be, for the most part, confined to that which is imperative, subsidized, or artificially stimulated.

Mortgage loans must, however, compete in the general market with other securities, and anything which tends to make mortgage loans more attractive will, *pro tanto,* tend to encourage building. For this reason the majority of this commission finds itself in entire sympathy with the proposition temporarily to relieve from taxation in whole or part real estate mortgages up to the proposed amount of $40,000, particularly if such exemption be confined to loans on houses or residential properties. It has not embodied such approval in its specific recommendations for the reason that it has deliberately confined its recommendations to such measures as would neither reduce the State's income at this critical period, nor add to its burden of expenditure.

The fact that no appreciable income has ever been derived from taxing bonds of the moribund land bank places the recommendation as to those in a different category.

Since there is no reasonable prospect that unrestricted building will be resumed until values become more settled, it is apparent that the existing temporary shortage of houses, in so far as it is causing actual suffering, must be made up by some form of artificially stimulated, or subsidized building. There are various reasons why the State cannot properly undertake such a task. In the first place the State moves slowly, while this situation is temporary and emergent, demanding speed above everything. Furthermore the State has no machinery fitted either for the selective task of apportioning such activity, or for judiciously applying it.

The situation is one pre-eminently calling for co-operative effort on the part of the communities affected, and in the various chambers of commerce throughout the State there fortunately exists bodies especially fitted to initiate and preside over such work. As has been already stated, many of our cities and towns have already undertaken this pressing task, under the stimulus of necessity and the guidance of their chambers or other civic bodies, and those communities which have not already initiated such work will do well to follow the example of their more enterprising sisters. Civic pride has been largely and successfully relied on for the necessary subscriptions to the building funds, and inasmuch as a failure to house its citizens will surely result in an exodus of its workers, each of our towns should properly be able to count on the active support of its loyal citizens, and in particular, its employers of labor, whose own interests moreover should assure their articipation in the building program. One of the first duties of the central and local housing bureaus proposed in this report, would be to stimulate the formation of civic housing organizations to meet the present emergency, in such communities as have not already taken steps to that end.

Another and somewhat less desirable means of meeting existing conditions is by the removal of restrictive building and tenement laws and regulations. Such removal generally adds to existing housing facilities at the expense either of safety from fire or of existing sanitary and hygienic requirements which it has taken years of effort to impose. A temporary lowering of standards is perhaps justified (and does in fact exist both in New York City and Buffalo), as a matter of sheer necessity, but such a condition is extra-legal, and involves no obligation of continued recognition after the present crisis has passed. The difficulty in the passage of laws removing such restrictions or regulations however, is that structures erected or changed under such a license will remain long after the emergency has passed, and experience has shown that while it is very easy to permit the deterioration of existing conditions, it is extremely difficult to compel any improvement of an already existing and lawful structure.

It is to be hoped that no building or tenement restrictions will be removed by law, except such as can be clearly shown to be unnecessary and inapplicable in the case of the city asking an exemption. In this connection it must be noted that our habit of passing general acts which are perhaps necessary or desirable in only one city, has led to certain restrictive legislation which appears to be clearly inapplicable to certain cities affected. So far as this condition exists the exemption of these cities from such restrictive legislation can of course do no harm and may be actually desirable.

One of the very valuable functions of the local housing boards recommended would be to examine existing local building and tenement regulations with a view to bringing them into sensible conformity with local conditions and requirements.

The great distress caused by the present shortage of houses, and the inevitable seizure of this unequalled opportunity for "profiteering" on the part of many landlords has resulted in a flood of proposed laws aimed at curbing the power of landlords to raise rents or to evict tenants for non-payment. Rent regulating and landlord-baiting are at present the most popular indoor and outdoor sports. We believe that the character of this report is the best possible evidence that its framers hold no particular brief for the landlord as such. There is in fact, only too great justification for

much of the existing rancor against rent profiteers. But considerable caution might wisely be displayed in the passage of legislation aimed at the regulation of rents or the disciplining of landlords as such. For to the extent that such legislation does not prove futile, it is very apt to prove undesirable, and calculated to aggravate the already unhappy state of the average tenant. We cannot very consistently urge capital to build houses at the same time that we are threatening to take away all incentive to build. We must permit demand to create inducement if we expect supply to respond.

The effective and ready counter to rent profiteering is not regulatory legislation but co-operative resistance through tenants' protective associations organized on a large scale. The experience of certain large cities in other States is instructive in this regard. Such organized self-protection has the immense advantage over legislation of being flexible enough to meet all contingencies and of being effective without doing injustice to or discouraging the honest, fair and conscientious landlord. It has at its command a weapon more powerful than the arm of the law — glaring publicity.

In order that no confusion may be caused in the minds of the readers of this report at its references to the present housing situation at one time as a temporary emergency and at another as a permanent condition, it may be well to point out again that a careful distinction must be made between the present general shortage of houses and the existing lack of suitable moderate-priced ("workingmen's") houses which can be rented at a figure within the average worker's means. The general house shortage, although sufficiently distressing, is temporary and will pass away; the lack of suitable workingmen's houses, as has been shown, is a condition that has long existed, and that offers no prospect of improvement in the future, unless radical measures are taken, such as are here recommended. The recommendations herein contained for a Constitutional Amendment looking to the extension of state loans in aid of the building of low priced homes is intended to remedy or improve this permanent condition and is not primarily concerned with the existing general emergency, which may perhaps have passed away by the time such an amendment could be adopted. It may further be emphasized once more that the benefit to be realized from such loans would not lie in any undue or risky generosity on the part of the State, or in any concealed subsidy, for there would be none. The loans would be well secured, and made upon a business basis, without expense or risk of loss to the State. The benefit would accrue in the low interest rate charged, the long amortization period, the economies made possible through large scale operations, and the restrictions that would be imposed on the character of the houses.

Competition for the Remodeling of a New York City Tenement Block Under the Auspices of the Joint Legislative Committee on Housing and the Reconstruction Commission of the State of New York

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PROBLEM

The remodeling of a characteristic old tenement block in the City of New York, so as to make it a decent place to live in. The object of the competition is two-fold; first to find the best method of improving living conditions in the old-law tenements without entirely destroying the buildings; second to find a plan of remodeling that will encourage such alterations by the demonstration of its economic wisdom and the value that will come from the improvement. The relation of costs to results obtained will be a predominating factor in determining the judgment.

The purpose of the competition is to find solutions that will be applicable not only to the block, which is the subject of the study, but also to similar blocks throughout the city. It is a competition of ideas as well as design.

The remodeling of one house in a bad environment is of little value. The improvement of a group of tenements is of real value. But the solution of the problem of the block as a whole would be of the maximum value to the tenants and owners of each house, to the neighborhood and to the community as a whole. Competitors may however, decide what size units, what type and size of tenement, apartments, rooms, courts and yards will give the proper environment for decent living and at the same time the most practical result as to plan, management and financing. These should not fall below the standard of the Tenement House Law in regard to sanitation, lighting, ventilation and safety. However the competitor should be guided by the spirit, not the letter of the law.

For the purposes of this study, the block bounded by Rutgers, Madison, Jefferson and Monroe streets, on the lower east side of Manhattan has been chosen. Living conditions in this block are not the worst in the city. Conditions here are characteristic of those to be found in hundreds of other blocks throughout New York.

Drawings Supplied to Competitors

The following drawings are supplied to competitors:

Two plans of the block, one of the ground floor, the other of a characteristic floor of apartments and the elevations on the four street fronts. The plans are drawn at the scale of ⅛ inch equals 1 foot, the elevations at the scale of 1/16 inch equals 1 foot. They show all walls, windows, doors, plumbing fixtures. They were made from careful measurements taken at the buildings during the last few months. They show the present actual conditions. The characteristic floor plan represents in most cases the top story. Conditions on other floors, excepting the first floor, are similar, if not identical. All competitors should inspect the block which is the subject of this study. Detailed information in regard to the various buildings will be found in addenda No. 1 at the end of the program.

Drawings Required

The following two drawings are required: A plan of the first floor and a plan of a characteristic floor, both after the proposed alterations have been made. These are to be drawn to the same scale as the plans supplied to competitors (⅛ inch equals 1 foot). All walls are to be outlined and all plumbing fixtures, stairs, fire-escapes, dumbwaiters, etc., are to be drawn in solid black ink lines. All old walls which are preserved are to be filled in solid with black ink and all new walls are to be hatched with black ink lines. Old walls which are to be destroyed shall not be indicated. No rendering of washes, either colored, black or gray, and no use of diluted ink lines will be permitted.

These two drawings which are *the only drawings required*, will be the same size, have the same borders, and the same title as the two plans, supplied to competitors. They will be (1) on white paper, (2) on tracing paper mounted on card board or (3) on tracing linen.

Additional Drawing

One and only one other drawing may be submitted at the discretion of the competitor. It will be the same size, have the same border and the same title as sheet 3 (elevations) supplied to competitors. It shall consist of a bird's eye view of the whole or part of the development. The purpose of this drawing is to illustrate the competitor's scheme in as far as it cannot be expressed in plans. It will be judged on the merit of the idea, not on the merit of the execution of the drawing. It must be drawn in solid black lines without rendering of washes of any kind and presented on the same type of paper or linen as that used for the plans.

No other drawings will be permitted.

Drawings may be mounted on cardboard of the same size as drawings in which case, they must be delivered flat, or they may be rolled. They must not be creased or folded. They must be in condition and of such character as to permit their reproduction.

Description Required

In addition to the drawing each competitor is *required* to submit a description. This should be concise and as short as the proper treatment of the subject will permit. It should contain at least the following:

(1) An explanation of the advantage of his solution from the point of view of the tenants, owners, the community and the State.

(2) The proposed methods of carrying out the alteration; in small or large units, by individual owners, groups of owners, assistance of the local community, city or State.

(3) A brief description of materials, type of lighting, plumbing, heating to be used in alteration.

(4) Any proposed scheme of management. This includes care of houses, heating, lighting, rentals, as well as any common facilities for the use of more than one family or one house.

(5) Comparisons of existing and altered block. (a) Number of apartments. (b) Number of rooms. (c) Conveniences. (d) Sanitation and ventilation. (e) Rental values.

Marking Drawings and Description

Drawings and description are to be marked with an emblem.

The description is to be placed in a sealed envelope marked on the outside with the same emblem.

These shall be accompanied by a sealed opaque envelope containing a card on which shall be the name and address of the competitor or competitors. The exterior of the envelope shall be marked with the same emblem.

Date of Closing of Competition

All drawings and descriptions must be delivered at Room 302, Hall of Records, New York City, on or before 1 o'clock on June 15, 1920.

To Whom Competition is Open

The competition is open to any person or persons.

Prizes

Two prizes of $1,000 each; four prizes of $500 each; four prizes of $250 each.

The jury may decline to award any or all prizes, in case it decides that drawings submitted do not fulfill the conditions of the competition or do not warrant the awards.

Publication of Drawings

The jury shall have the right of publishing or exhibiting any drawing or description that may be submitted.

Jury

The judges of the competition will be the following: Mr. Allan Robinson, Mr. Alfred E. Marling, Mr. Edgar A. Levy, Hon. Frank Mann, Tenement House Commissioner, Mr. Clarence S. Stein, Senator Charles C. Lockwood, Senator John J. Dunnigan, Mr. Andrew J. Thomas, Mr. Burt Fenner, Mr. Robert D. Kohn, Miss Lillian Wald, Mr. Alexander M. Bing.

Questions

Until the 15th day of April, questions received in writing which warrant an answer will be sent with answer to all persons who have registered their names as competitors. Address questions to Clarence S. Stein, Secretary, Housing Committee, Reconstruction Commission of the State of New York, Room 302, Hall of Records, New York City.

Actual Conditions

Two methods have been suggested as a practical means of replacing the old tenement districts with decent living places. One is to tear down the present structures and replace them with new buildings. The second is to alter the existing structures in such a way as to make them wholesome, light, airy, sanitary places to live in. With the present costs of building, it is impracticable to attempt the first method on a large scale if the same end can be attained by remodeling the old buildings.

In March, 1919, of the total 982,926 individual apartments in New York City, 587,851 were in old law tenements, that is to say, they were erected before the present Tenement House Law went into effect nineteen years ago. This law fixed standards which were designed to protect the community from the most obvious dangers of fire and disease. Most of the old law tenements still fall below these standards.

The old law houses which are detrimental to the health and well being of the community and at the same time a poor financial investment might be expected to disappear and be replaced by other buildings. The process of destruction is slow. In ten years, that is to say, between February, 1909, and March, 1919, 58,552 apartments were destroyed. At this rate, it would take 100 years for the last of these buildings to disappear.

Most of the owners of the old houses have had slight if any return from the money invested. Rentals are low. The tenants constantly move. In twenty-five old tenement house blocks in various parts of the city surveyed by the Reconstruction Commission it was found that over 20 per cent. of the inhabitants move each year. There is always a large number of vacant apartments. In March, 1916, 6½ per cent. of the old law houses were unoccupied. In March last, at the height of the housing shortage, there were 19,110 old law apartments vacant. These were with few exceptions places unfit for human habitation.

Most of the defects of the old tenements are due to poor planning. Their value not only in terms of better living conditions, but also as to financial investment would be enhanced if they were properly planned. They are below the standard fixed two decades ago. Since then great progress has been made in the planning of apartments. It has been proven within the last few years that with a use of double the amount of area required by the law for court space, apartments can be planned on the same sized lots so as to give at the same rental per room, a greater return on the investment. These results have been attained by careful planning of large units.

The investigations of the New York State Reconstruction Commission proved conclusively that the old law tenement houses are a menace to the health and general welfare of those who dwell in them and of the community as a whole.

The more obvious defects of these buildings are:

1. *The lack of sufficient air and light.*— A large part of the rooms in the old-law houses have no direct opening on the outer air. They are lighted and ventilated by opening into adjoining rooms. Others have windows only on small shafts or narrow interior courts. These give insufficient if any ventilation. Many families still live below the level of the sidewalk.

2. *Insufficient and foul toilet facilities.*— These are without proper light and ventilation. They are used in common by more than one family.

3. *The prevalence of bad odors* resulting from the ventilation of toilets on courts, shafts or corridors on which living or bed rooms open, the use of the courts as a receptacle for garbage.

4. *The lack of conveniences and comforts, even of the requirements essential to modern decent living.*— Dumbwaiters, where they exist are practically always nailed closed. As a result, food and coal (each apartment is heated individually, excepting in the new houses) must be hauled up four or five flights. The garbage and ashes, when not thrown down the shaft, must be carried down to the ground floor. There are not enough sinks or wash tubs. There are practically no bath tubs in the poorer parts of the city.

5. *The lack of privacy* which endangers both decency and health. This is due to bad planning and is accentuated by overcrowding.

6. *The neglect and the decay* into which the houses have fallen. This is due to age and lack of proper care of the house.

7. *The absence of adequate play or recreational* space and the dreary, unwholesome environments of the homes.

8. *The lack of proper protection against fire.*

Street and Number	No. of Stores	No. of Apartments	No. of Rooms
202–4 Madison street	6	20	80
206 Madison street	4	29	114
208–10 Madison street	3	22	109
212 Madison street	2	24	90
214 Madison street	2	20	70
216 Madison street	Settlement House.		
218 Madison street	4	19	75
220 Madison street	4	20	67
222 Madison street	2	20	75
224 Madison street / 46 Jefferson street	5	20	60
48 Jefferson street	4	2	10
50 Jefferson street	..	20	70
52 Jefferson street	..	20	70
54 Jefferson street	..	20	70
56 Jefferson street / 141 Monroe street	6	16	64
139 Monroe street	2	20	70
137 Monroe street	2	20	70
135 Monroe street	2	20	70
133 Monroe street	2	24	84
131 Monroe street	2	24	107
129 Monroe street	2	24	84
127 Monroe street	2	18	64
125 Monroe street	2	22	66
123 Monroe street / 47 Rutgers street	3	12	36
45 Rutgers street	2	17	33
43 Rutgers street	2	17	33
41 Rutgers street	2	18	36
39 Rutgers street	Motion Pictures.	2	10
37 Rutgers street	1	9	36
35 Rutgers street	1	9	36
35–37 Rutgers street (rear)	..	16	32

ADDENDA I

Description of buildings in the block bounded by Rutgers, Madison, Jefferson and Monroe streets. Statistics as to the number of tenants, number of occupied rooms and apartments were collected in the survey made in May and June for the Reconstruction Commission of the State of New York.

All buildings have brick walls and wooden beams.

202-4 Madison Street

Six story old-law tenement: 6 stores on first floor; 4 families on each upper floor; 16 apartments — 80 rooms. (In June, 1919, 20 apartments — 80 rooms were occupied by 98 persons.)

33 Rutgers Street

Two toilets in hall in each floor; sink and two tubs, range and hot water boiler in each apartment; fire escape in front and rear, goose neck ladder to roof at rear fire escape.

206 Madison Street

Six story and basement old-law tenement: 2 stores in basement; 2 stores and four families on first story; five families on each other floor; 29 apartments — 114 rooms. (In June, 1919, 27 apartments — 108 rooms were occupied by 135 persons.) Three toilets in hall in each upper story; one toilet in hall in first story; sink and 2 tubs and range in each apartment; hot water supplied; fire escapes in front and rear, goose neck ladder to roof at rear fire escape; steel stairs, marble treads, tile in halls.

208-10 Madison Street

Six story new-law tenement: 3 stores and two families on first floor; 4 families in each upper floor; 22 apartments, 109 rooms, all were occupied. (In June, 1919, there were 136 persons in this house.) Sink, 2 tubs, range, bath tub and watercloset in each apartment — hot water supplied; fire escapes front and rear; goose neck ladder to roof at rear fire escape; steel stairs, marble treads and tile floors.

212 Madison Street

Six story and basement, old-law tenement: 2 stores in basement; 4 families on each other floor; 24 apartments — 90 rooms. (In June, 1919, 23 of these, 86 rooms were occupied by 124 persons.) Two waterclosets in hall on each floor; sink, 2 tubs and range in each apartment; hot water supplied; fire escape on front and rear, goose neck ladder to roof at rear fire escape; stairs, steel construction, slate treads.

214 Madison Street

Five story and basement, old-law tenement: 2 stores in basement; 4 families on each floor; 20 apartments — 70 rooms. (In June, 1919, 20 apartments, 70 rooms. These were occupied by 41 persons.) Two water-closets in hall on each floor; sink, two tubs; range and hot water boiler in each apartment. Fire escape in front and rear; goose neck to roof at rear fire escape. Stairs, wood construction.

216 Madison Street, Settlement House (Madison House)

Four stories and basement. Private house (now the Madison House, a settlement house). Fire escape on front and rear, goose neck to roof at rear; stairs, wood construction.

218 Madison Street

Fire stories and basement old-law tenement house: 2 stores in basement; 2 stores on first floor; 4 families on each floor; 2 water closets in hall on each floor; 19 apartments — 75 rooms. (In June, 1919, 18 appartments — 72 rooms were occupied by 97 persons.) Sink; bath tub; range in each apartment. The bath tubs were installed in kitchens to replace wash tubs last year; hot water supplied; fire escape on front and rear; goose neck ladder to roof in rear; front rooms of first story used for business; stairs, wood construction.

220 Madison Street

Same as 218 Madison: 20 apartments—67 rooms. (In June, 1919, 18 of these 62 rooms were occupied by 81 persons.)

222 Madison Street

Same as 218 Madison, but only two stores; 20 apartments—75 rooms. (In June, 1919, 19 apartments—71 rooms were occupied by 88 persons.)

224 Madison Street

Six-story old-law tenement.

46 Jefferson Street

Five stores on first story; 4 families in each upper story; 20 apartments—60 rooms. (In June, 1919, these were occupied by 100 persons.) Two water closets in halls on each upper story; sink, two tubs and range and hot water boiler in each apartment; fire escape on front and rear; goose neck to roof in rear; greater per cent of rooms are lighted and ventilated; house is kept better than the average on this block; stairs, steel construction, slate treads.

48 Jefferson Street

Three story and basement: house not a tenement house; 2 stores in basement; 2 stores in first floor; 1 family in each upper floor; 2 families; 10 rooms; sink; 2 tubs; range; hot water boiler; bath tub; water closet and lavatory in each apartment; wood stairs; fire escape in front.

50 Jefferson Street

Five story and basement, old-law tenement house: 4 families on each floor. (In June, 1919, all 20 apartments—70 rooms, were occupied by 103 persons.) Two waterclosets in hall on each floor; sink, 2 tubs, range and hot water boiler in each apartment; wood stairs to roof; fire escape in front and rear, goose neck ladder to roof in rear; light and ventilation in upper stories, fair; families in basement; wood stairs.

52 Jefferson Street

Same as 50 Jefferson. (In June, 1919, the 20 apartments—70 rooms, were occupied by 82 persons.)

54 Jefferson Street

Same as 50 Jefferson. (In June, 1919, the 20 apartments—70 rooms, were occupied by 94 persons.)

56 Jefferson Street

Five story, old-law tenement house.

141 Monroe Street

Six stores on first story; 4 families on each upper story. (In June, 1919, the 16 apartments—64 rooms, were occupied by 19 persons.) Two water closets in halls on each upper story; sink, two tubs, range and hot water boiler in each apartment; fire escape front and rear, goose neck ladder to roof at rear; stairs of wood construction with wood treads and landing.

139 Monroe Street

Five story and basement, old-law tenement house: 2 stores in basement; 4 families on each other floor; 20 apartments—70 rooms occupied in June,

1919, by 95 persons; 2 waterclosets in hall of each story; sink, two tubs. range in each apartment, hot water supplied; fire escape front and rear, goose neck ladder to roof at rear; stairs of wood construction.

137 Monroe Street

See 139 Monroe. Twenty apartments — 70 rooms. (In June, 1919, 19 apartments — 67 rooms were occupied by 112 persons.)

133 Monroe Street

Six story and basement, old-law tenement: 2 stores in basement; 4 families on each floor; 24 apartments, 84 rooms. (In June, 1919, 16 of these containing 58 rooms were occupied by 85 persons.) Sink, two tubs, range in each apartment, hot water supplied; fire escape on front and rear, goose neck ladder to roof at rear; stairs of steel construction with slate threads.

131 Monroe Street

See 133 Monroe. Twenty-four apartments — 107 rooms. (In June, 1919, 21 apartments — 95 rooms, were occupied by 125 persons.)

129 Monroe Street

See 133 Monroe. In June, 1919, the 24 apartments — 84 rooms, were occupied by 127 persons.

127 Monroe Street

Five story, old-law tenement house: 2 stores on first floor and 2 apartments; 4 families on each upper floor; 18 apartments, 64 rooms. (In June, 1919, 16 apartments — 57 rooms were occupied by 84 persons.) Two water closets in halls on each upper floor; 1 water closet in hall on first floor; sink, two tubs, range in each apartment; fire escape on front and rear, goose neck ladder to roof at rear; stairs of wood construction.

125 Monroe Street

Six story, new-law tenement house: 2 stories and 2 families on first story; 4 families on each upper story; 22 apartments — 66 rooms. (In June, 1919, 16 apartments — 48 rooms were occupied by 58 persons.) Sink, 2 tubs, range and watercloset in each apartment; hot water supplied; fire escapes on front, rear and in court. Rear and court have goose neck ladder to roof; stairs of steel construction with marble treads, tile in halls.

123 Monroe Street
47 Rutgers Street

Five story, brick walls and wood beams: 3 stores in first floor; 3 families in each upper floor; 2 waterclosets in hall in each; 12 apartments, 36 rooms, no vacancies reported June 1919, 57 persons; sink, 2 tubs, range in each apartment; hot water supplied; fire escape in front and party fire escape in rear. This building covers 100 per cent. of lot; stairs of wood construction.

45 Rutgers Street

Five story old-law tenement house: 2 stores and 2 apartments in first floor; 4 families in each upper floor; 17 apartments — 33 rooms. (In June 1919, 11 apartments — 22 rooms were occupied by 30 persons.) Two waterclosets on each upper floor between apartments; one watercloset in first floor in hall; sink, 2 tubs, range in each apartment; hot water supplied; fire escape in front and fire escape in rear; stairs of wood construction; tile in first floor hall.

43 Rutgers Street

See 45 Rutgers. Seventeen apartments — 33 rooms. (In June 1919, 11 apartments containing 24 rooms were occupied by 33 persons.)

41 Rutgers Street

See 45 Rutgers. Eighteen apartments — 36 rooms. (In June 1919, 13 apartments containing 32 rooms were occupied by 35 persons.)

39 Rutgers Street

Three-story house, not a tenement: Motion picture theatre on first floor; 1 family in each upper floor; sink, 2 tubs, range, hot water boiler, bath tub and watercloset in each apartment; no fire escape; stairs of wood construction.

37 Rutgers Street

Five story and basement, old-law tenement: Front part of first story used for business; one family in rear; 2 families in each upper floor; 9 apartments — 36 rooms. (In June 1919, 8 apartments — 32 rooms occupied by 40 persons.) Watercloset in hall on each floor; sink, 2 tubs and range in each apartment; hot water supplied; party fire escapes front and rear; stairs of wood construction in poor condition. These are apparently houses that have been dwellings in years past.

35 Rutgers Street

See 37 Rutgers. Nine apartments — 36 rooms. (In June 1919, 7 apartments — 28 rooms were occupied by 39 persons.)

35–37 Rutgers Street

(Rear apartment). Four stories old-law tenement: 4 families on each floor; 16 apartments — 32 rooms. (In June 1919 — 13 apartments — 26 rooms occupied by 25 persons.) Water closet and sink in hall on each floor; range in each apartment; fire escape on front and rear with goose neck ladder to roof; stairs of wood construction.

ADDENDA NO. II

Statistical Data

Conditions in this block are similar to those inhabited throughout New York by the emigrants from many lands, and, during the past few years, because of the housing shortage, to a constantly greater degree by our native population.

The following information concerning the block which is the subject of this competition, was collected in the survey made for the Reconstruction Commission of the State of New York by the Madison House in May and June, 1919. Since then rentals have increased and many of the vacant apartments have been filled.

Type of Buildings

Twenty-seven old-law tenement houses; one of these is an interior lot house.

Two new-law tenement houses.

Twenty-five tenement houses contain stores.

Two two-family houses.

One neighborhood or settlement house (Madison House).

The tenement house contained in June, 1919; 493 rented apartments; 38 vacant apartments; 1,587 rooms in rented apartments; 2,421 persons.

Number of Apartments Housing Specified Number of Persons

NUMBER OF PERSONS IN APARTMENTS	2-room	3-room	4-room	5-room	6-room	Total number of apartments containing specified number of persons
1	9	2	.....	.....	.....	11
2	17	14	12	.....	.....	43
3	12	43	21	3	.....	79
4	4	48	49	1	.....	102
5	2	22	43	9	.....	76
6	.....	15	52	7	.....	74
7	.....	13	41	4	.....	58
8	.....	5	23	6	.....	34
9	.....	1	9	2	1	13
.....	.....	.....	1	2	.....	3
Total number of each type of apartments	44	163	251	34	1	493

Length of Tenancy	Families
Under 1 year	102
1 and less than 2	84
2 and less than 3	67
3 and less than 4	50
4 and less than 5	32
5 and less than 6	35
6 and less than 7	12
7 and less than 8	14
8 and less than 9	9
9 and less than 10	7
10 and less than 15	25
15 and less than 20	7
20 and less than 30	3

22.8 per cent of tenants moved during the year
Proportion of tenants having a tenancy of 10 years or over 7.8 per cent.

Type of Management of Tenement Houses

Resident owner	0
Non-resident owner	23
Agent	3
Lessee	3
Total	29

Rent Raises in Year Preceding June, 1919

Amount	No. of Apts.	Per cent
$0.50	41	8.3
1.00	100	20.2
1.50	21	4.2
2.00	1	0.2
2.50	1	0.2
3.00	10	2.2
3.50	2	0.4
4.00	2	0.4

Net recorded, 278.

Monthly Rentals, May–June, 1919

No. rooms	Lowest	Highest	Medium
One	.....	.....	.....
Two	$5.50	$12.00	$8.50
Three	8.00	16.50	12.50
Four	10.00	25.00	16.00
Five	15.00	32.00	27.00
Six	31.00	31.00	31.00

Medium rentals for whole group, $14.

The inhabitants of the block are mainly Russian Jews. The principal occupations of the men of the block, at the time of the survey, were connected with the clothing trade. There were 50 tailors, 99 operators, 45 pressers, 14 finishers; among other occupations were 23 peddlers, 12 carpenters, 11 painters. There were also plasterers, subway workers, teachers of religion, chauffeurs, printers, butchers. Among the mothers there were but 17 recorded as workers. Of these 16 were in the clothing trades; 72 of the daughters were working, 29 of them in the needle trades, 23 in clerical work or as typists or stenographers.

Transmitting Report of the New York-New Jersey Port and Harbor Development Commission

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 29, 1920.

To the Legislature:

I have the honor to transmit to you herewith the Report of the New York, New Jersey Port and Harbor Development Commission, dated March 19, 1920, together with the proposed compact between New York and New Jersey recommended by the Commission as agreed upon by legislative subcommittees from the two States of New York and New Jersey.

The Commission has appointed under chapter 425, Laws of 1917, of the State of New York, and under chapter 130, Laws of 1917, of the State of New Jersey. The legislation provided that the three commissioners from each State were

to negotiate or agree upon a joint report recommending a policy to be pursued by the State of New Jersey, the State of New York and the United States by legislative enactment or treaty or otherwise, to the end that said Port (Port of New York) shall be efficiently and constructively organized and furnished with modern methods of piers, rail and water and freight facilities, and adequately protected in the event of war. Before making such a report such Commission shall make a thorough study of Port conditions in this country, and shall take and employ such engineering, legal or other professional skill and assistance as it may need for the effective working out of a comprehensive and adequate interstate and Federal Port policy, to meet commercial needs in time of peace and the protection of the harbor and adjacent localities in times of war."

Under the foregoing provisions it is the duty of the Commission:

1. To recommend a policy to be pursued by the two States which will secure an efficient and constructive organization of the Port of New York.
2. To make a study of existing methods and facilities of the Port and to recommend a plan which will secure "modern methods of piers, rail and water and freight facilities," not only for present requirements but one which by expansion will meet future growth

On January 29, 1919, at a conference held at the Executive Mansion between the Governor of New Jersey and myself, the members of the Bi-State Commission and the leaders of the Legislature, the matter of the policy to be pursued by both States was discussed and the form of a treaty or compact between the two States was taken up and the first draft presented for consideration. At this conference it was agreed that a commission from each State, representing the Legislature, should be appointed to assist the Port and Harbor Development Commission in revising the draft of the compact so that it might be presented in complementary form to the Legislatures of both States. I appointed such a commission under resolution of the Legislature, and the Governor of New Jersey appointed a like commission. The two commissions have, I understand, been at work since January 19, 1919, and the compact accompanying the report of the Port and Harbor Development Commission is in the form agreed upon between the two legislative commissions. I am advised that a bill authorizing the signing of the compact was introduced at Trenton on Monday night and that a similar bill was introduced in the Senate and Assembly of this State March 23d. I am advised, also, that legislation authorizing the Governors of the two States to appoint the commissioners provided for in the compact is to be introduced in the Legislatures of both States.

The physical plans for the development of the port will be presented, I am informed by the Commission, in July. The compact as now drawn, however, provides that the powers of the Port Authority are not to be exercised until such a comprehensive plan has been approved by both States and by the municipality affected, and the municipalities within the port district, especially the City of New York, are left free to proceed with the development of port and terminal facilities of their own.

Article IX provides that, "Nothing contained in this agreement shall impair the powers of any municipality to develop or improve port and terminal facilities;" and Article X, relating to the adoption of the comprehensive plan, provides that, "No city within the Port District shall be bound by the comprehensive plan unless and until it has approved of the same," and even after the adoption of the plan, no modification thereof can be made except with the approval of the municipality directly affected. The compact also provides (Articles IV and XXII) that the Board of Estimate and Apportionment of the City of New York shall select for appointment two of the three commissioners from the State of New York, who must be resident voters of the City of New York. Other articles in the proposed compact safeguard the municipalities' waterfront properties.

When this matter was under consideration last year, a year's delay was asked on behalf of the State of New York in order that the matter might be further considered. The further consideration has now been had and good faith with the State of New Jersey, which has postponed its own plans pending the consideration of the questions of policy involved in the compact, requires that the State of New York shall take action upon this matter at this session. The

matter of port development is critical. It affects the housing problems; it affects the cost of living; it affects the cost of doing business within the Port of New York; business is leaving New York because of inadequate facilities, and rival ports are taking advantage of delays in the development of New York's plans in order to strengthen their own position. Our most active competitors in this direction are the cities of Baltimore, Philadelphia and New Orleans.

Action upon this matter of important policy in dealing with one of the great assets of the State and the nation is imperative. As pointed out by the Bi-State Commission in the report which I transmit herewith, the matter of determining the policy which shall be pursued by the two States is logically the first problem; the details of the physical plan can come later.

I especially urge upon your Honorable Bodies that you give this matter your immediate consideration.

(Signed) ALFRED E. SMITH.

REPORT ACCOMPANYING PROPOSED COMPACT BETWEEN NEW YORK AND NEW JERSEY .

NEW YORK, NEW JERSEY PORT AND HARBOR DEVELOPMENT COMMISSION

Appointed under Chapter 426, Laws of 1917, State of New York.
Appointed under Chapter 130, Laws of 1917, State of New Jersey.

New York, March 19, 1920

HON. ALFRED E. SMITH, *Governor of the State of New York:*

HON. EDWARD I. EDWARDS, *Governor of the State of New Jersey:*

DEAR SIRS.—Under legislative enactment of the States of New York and New Jersey, in July, 1917, a Joint Commission, consisting of three members from each State was appointed

> "to negotiate or agree upon a joint report recommending a policy to be pursued by the State of New Jersey, the State of New York and the United States by legislative enactment or treaty or otherwise, to the end that said Port (Port of New York) shall be efficiently and constructively organized and furnished with modern methods of piers, rail and water and freight facilities, and adequately protected in the event of war. Before making such a report such Commission shall make a thorough study of Port conditions in this country, and shall take and employ such engineering, legal or other professional skill and assistance as it may need for the effective working out of a comprehensive and adequate interstate and Federal Port policy, to meet commercial needs in times of peace and the protection of the harbor and adjacent localities in times of war."

The Commission was organized and had its first meeting on August 2, 1917. Under the foregoing provisions the duty of the Commission was deemed to be twofold:

1. To recommend a policy to be pursued by the two States which will secure an efficient and constructive organization.
2. To make a study of existing methods and facilities of the Port and to recommend a plan which will secure "modern methods of piers, rail and water and freight facilities" not only for present requirements but one which by expansion will meet future growth.

Conferences were held with Congressional Committees, various established commissions and boards of the two States and adjacent cities, officials of the trunk line railroads, representatives of shipping, lighterage and warehouse business and individuals who had advanced plans for improving present conditions. The Commission also examined various studies and plans that have been put forth from time to time.

As a result of these conferences and examinations the Commission concluded, as stated in its report of January 26, 1918, that the Port of New York should be considered as covering an area bounded by Yonkers and New Rochelle on the north, Great Neck and Far Rockaway on the east, Perth Amboy and Sandy Hook on the south, and Paterson, Newark and New Brunswick on the west; that the data available were not sufficient to support any existing or proposed plan, and recommended that a comprehensive study be undertaken with a view to formulating a policy for handling Port matters and for the preparation of a plan for future development. It was estimated that this could be done for not less than $400,000 and that two years would be required to secure the necessary supporting data and prepare the plan. The Legislatures adopted these recommendations and have made necessary appropriations. The Commission has completed the essential part of its work, and it anticipates that the development plan will be finished within the estimated cost and time.

The insular location of New York City and the haphazard method of development that has been pursued has resulted in a situation which, it is universally admitted, required remedy. The best part of the New Jersey front and a large share of the Manhattan shore are given over to the railroads for terminal purposes. The shore front that is occupied by the railroads deprives shipping of so much berthing space. While prior to the war, the necessity for additional ship terminals in the Port was sorely felt, this need has become today a still more serious problem, and ships preferring to use this harbor have been forced away because of difficulty in securing berths. This situation combined with the existing methods of handling freight have brought forth plans of various kinds looking towards such joint operations as will take shipments to and from Manhattan through tunnels under the river or by bridges over it and by subways or elevated structures in Manhattan. Other projects contemplate distributing centers on the New Jersey side or at other points in the Port. None of these plans, however, is accompanied by evidence to show that it is economically sound.

That system of Port and Terminal design should be adopted which will carry the freight from the railroad break-up yard to steamship or individual consignee in the cheapest and quickest manner and with possibility of future expansion. The present method of handling freight by carfloats is not satisfactory because it is expensive and uneconomical; the delays caused by severe or inclement weather impose hardships, and the floats increase difficulties of navigation. Whatever costs result from handling freight through terminals must be borne by the consumer and they should not be increased. The costs that were kept were not comparable nor in such shape that suitable unit prices could be readily ascertained, consequently steps were taken by the Commission to gather the necessary data to determine them. These form the basis for ascertaining the economic soundness of any plan. Manhattan is already so congested that it cannot be made the distributive center; in fact, no freight should be taken to Manhattan which is not for use, consumption or destined for steamship loading there. This means that freight destined for Brooklyn, Queens, the Bronx and other points in the Port should be delivered there direct. Delivery of freight to stations is not the end, for it must be taken from the station or stations to its destination; so trucking and available street capacities become important factors. A plan that will take care of the present needs is not sufficient; it must be such as to permit of future increases.

Certain portions of the Port should be set aside for the handling of bulk commodities and in these cases the piers or berths should be equipped with modern machinery for expeditious loading and unloading. In this

category are included proper bunkering facilities for shipping, which at present are sorely needed and the lack of which is a serious detriment to the Port. In this connection also come terminals for the handling of materials and supplies which will reach the Port through the canals.

It is not the intention in this report to go into details of any phase of the plan which the Commission has in the course of preparation. This, together with the supporting data, will be submitted when completed in July next, the time set in the estimates, but the foregoing outline of conclusions on which the plan is based is given as an indication that the studies have progressed sufficiently far to enable the Commission to report "the proper policy that should be pursued for the best interest of the entire Port of New York" as required by the act under which it is working.

Having already recommended the establishment of a unified Port District, then in line with all other great world ports, there should be a single Port Authority for efficiency of administration and for unified standards of development to replace the present divided authority exercised by both States and a number of municipalities. A Port Authority is the first step towards securing a proper development of the harbor, as is evidenced by the world ports where such authority has been created.

The time is at hand when definite action must be taken if the Port of New York is to measure up to the demands that are and will be made upon it. The Port is not a local matter but a great national asset; so it must be regarded and treated; local jealousies, fears and policies must give way to the good of the whole.

The railroads failed to meet the demands brought by war conditions due largely to the insufficiency of terminals and they were taken over by the Government. While the taking over of the railroads improved matters by effecting unified control and operation, it was not until a central organization was created under which all harbor facilities were united that order was restored and the functions of the Port were properly performed. The necessity for such control was early recognized by the Commission, which initiated the steps which brought into being the War Port Board, Port of New York, and out of which grew final centralized control by the Government.

The United States at great expense has built up our American Merchant Marine, which it hopes to maintain, and in this enterprise adequate and proper facilities at the ports for the service of shipping are of prime importance. Handicapped as it is in connection with other maritime nations by our navigation laws, every means must be adopted to reduce the disadvantage and to cut out the unnecessary delays and expense which the present antiquated facilities of the Port of New York now impose; otherwise the business of our Port will decline and our Merchant Marine will suffer. The war emergency necessitated the central control to overcome the difficulties created by unscientific and uncoordinated usages and which caused enormous delays and losses to our shipping so that a Port Authority is just as important and necessary now as during the war.

A year ago the Commission recommended to the authorities of the two States that a treaty be entered into between New York and New Jersey establishing the Port District and creating a Port organization which would have the necessary authority to handle Port matters. Such an instrument requires the subsequent sanction or approval of the Congress. The treaty is drawn so as to safeguard all interests. No other plan than that submitted will accomplish the purpose so satisfactorily to all interests and only through such a means can the Port progress and perform the part in national and world affairs for which it so naturally and physically fitted.

The proposed treaty or compact now safeguards the interests of all the municipalities and recognizes the principles of local self-government that are applicable. The Port Authority as created by the proposed compact is now limited in its powers so as to safeguard all the municipalities within the Port District.

It is generally admitted that the facilities of the Port are becoming more and more inadequate to meet the needs. The existing conditions

cannot be changed at once, but require time and money. They cannot be changed at all until a beginning is made by creating the authority to handle the work, and the time to begin is NOW.

The Port and Terminal problem is the most important that the States of New York and New Jersey today have to face, because:

1. Its proper solution forms the basis of commercial prosperity of Nation, State and City. New York State and City and New Jersey have grown in spite of the fact that within the past twenty-five years in New York City but a small amount has been spent for improved and enlarged freight-handling facilities, while over $800,000,000 has been spent for improved passenger facilities.

2. It affects very largely the welfare of each individual within the Port District through the high cost of living, as food, clothing, fuel and building material (influencing rent) represent over half of the freight transported therein, and the terminal cost of handling this freight represents a large proportion of the freight charges thereon.

3. Due to its insular location the proper all-rail solution of this freight problem is especially essential to the health and safety of the public of New York City, in order to avoid the expensive and dangerous blockades of food, fuel and commerce due to weather conditions which we have so lately experienced.

It has been claimed by some that action on the treaty should not be taken until the plans for the proposed changes and improvements are submitted, but this contention is not supported by the act nor is it logical or in accord with common sense.

The act requires "a joint report recommending a *policy* to be pursued, to the end that the Port shall efficiently and constructively *organized* and furnished with modern methods, piers," etc. Later on the enactment provides: "Before making final report such Commission shall make a thorough study of Port conditions in this country, and shall take and employ such engineering, legal and other professional skill and assistance as it may need for the effective working out of a comprehensive and adequate interstate and Federal Port *policy* to meet commercial needs in times of peace and the protection of the harbor and adjacent localities in times of war." The Policy and the organization of the Port must precede and development or the adoption of any plan.

No plan can be prepared that will meet the approval of everybody and of all interests; a Port Authority is needed to ascertain the views and requirements of those concerned, then decide what shall be done and act.

A comprehensive plan can be prepared in all its details to meet the needs as they exist today, but time brings changed conditions and improvements of all kinds; any such plan must be modified accordingly and this becomes the duty of the Port Authority.

Money will be required to finance the improvements — another duty that must devolve upon a properly organized and empowered Port Authority.

In urging the creation of a Port Authority, the Commission is not proposing something new and experimental, but merely asking the adoption for the greatest harbor in the world of that which has been tried out with the best results both in this country and abroad.

Accordingly, the Commission urges upon the Governors and the Legislatures of both States the importance of having the proposed compact entered into now. It is submitted herewith in the form approved by the committees of the Legislatures of both States who have been at work on the draft.

Respectfully submitted,

WILLIAM R. WILLCOX,
J. SPENCER SMITH.
EUGENIUS H. OUTERBRIDGE,
FRANK R. FORD,
DEWITT VAN BUSKIRK.

PROPOSED COMPACT BETWEEN NEW YORK AND NEW JERSEY

COMPACT BETWEEN THE TWO STATES AS AGREED UPON BY LEGISLATIVE SUB-COMMITTEE FROM EACH STATE.

WHEREAS, In the year 1834 the States of New York and New Jersey did enter in to an agreement fixing and determining the rights and obligations of the two States in and about the waters between the two States, especially in any about the bay of New York and the Hudson River; and

WHEREAS, Since that time the commerce of the Port of New York has greatly developed and increased and the territory in and around the port has become commercially one center or district; and

WHEREAS, It is confidently believed that a better co-ordination of the terminal, transportation and other facilities of commerce in, about and through the Port of New York, will result in great economies, benefiting the Nation, as well as the States of New York and New Jersey; and

WHEREAS, The future development of such terminal transportation and other facilities of commerce will require the expenditure of large sums of money, and the cordial co-operation of the States of New York and New Jersey in the encouragement of the investment of capital, and in the formulation and execution of the necessary physical plans; and

WHEREAS, Such result can best be accomplished through the co-operation of the two States by and through a joint or common agency.

NOW, THEREFORE, The said States of New Jersey and New York do supplement and amend the existing agreement of 1834 in the following respects:

Article I. They agree to and pledge, each to the other, faithful co-operation in the future planning and development of the port of New York, holding in high trust for the benefit of the Nation the special blessings and natural advantages thereof.

Article II. To that end the two States do agree that there shall be created and they do hereby create a district to be known as the "Port of New York District" (for brevity hereinafter referred to as "The District") which shall embrace the territory bounded and described as follows:

The District is included within the boundary lines located by connecting points of known latitude and longitude. The approximate courses and distances of the lines enclosing The District are recited in the description, but The District is determined by drawing lines through the points of known latitude and longitude. Beginning at a point *A* of latitude forty-one degrees and four minutes north and longitude seventy-three degrees and fifty-six minutes west, said point being about sixty-five hundredths of a mile west of the westerly bank of the Hudson River and about two and one-tenth miles northwest of the pier at Piermont, in the County of Rockland, State of New York; thence due south one and fifteen hundredths miles more or less to a point *B* of latitude forty-one degrees and three minutes north and longitude seventy-three degrees and fifty-six minutes west; said point being about one and three-tenths miles northwest of the pier at Piermont, in the County of Rockland, State of New York; thence south fifty-six degrees and thirty-four minutes west six and twenty-six hundredths miles more or less to a point *C* of latitude forty-one degrees and no minutes north and longitude seventy-four degrees and two minutes west, said point being about seven-tenths of a mile north of the railroad station at Westwood, in the County of Bergen, State of New Jersey; thence south sixty-eight degrees and twenty-four minutes west nine and thirty-seven hundredths miles more or less to a point *D* of latitude forty degrees and fifty-seven minutes north and longitude seventy-four degrees and twelve minutes west, said point about three miles northwest of the business center of the City of Paterson, in the County of Passaic, State of New Jersey; thence south forty-seven degrees and seventeen minutes west eleven and eighty-seven hundredths miles more or less to a point *E* of latitude forty degrees and fifty minutes north and longitude seventy-four degrees and twenty-two minutes west, said point being about four and five-tenths miles west of the

Borough of Caldwell, in the County of Morris, State of New Jersey; thence due south nine and twenty hundredths miles more or less to a point *F* of latitude forty degrees and forty-two minutes north and longitude seventy-four degrees and twenty-two minutes west, said point being about one and two-tenths miles southwest of the passenger station of the Delaware, Lackawanna & Western Railroad in the City of Summit, in the County of Essex, State of New Jersey; thence south forty-two degrees and twenty-four minutes west, seven and seventy-eight hundredths miles more or less to a point *G* of latitude forty degrees and thirty-seven minutes north and longitude seventy-four degrees and twenty-eight minutes west, said point being about two and two-tenths miles west of the business center of the City of Plainfield, in the County of Somerset, State of New Jersey; thence due south twelve and sixty-five hundredths miles more or less on a line passing about one mile west of the business center of the City of New Brunswick to a point *H* of latitude forty degrees and twenty-six minutes north and longitude seventy-four degrees and twenty-six minutes west, said point being about four and five-tenths miles southwest of the City of New Brunswick, in the County of Middlesex, State of New Jersey; thence south seventy-seven degrees and forty-two minutes east ten and seventy-nine hundredths miles more or less to a point *I* of latitude forty degrees and twenty-four minutes north and longitude seventy-four degrees and sixteen minutes west, said point being about two miles southwest of the Borough of Matawan, in the County of Middlesex, State of New Jersey; thence due east twenty-five and forty-eight hundredths miles more or less, crossing the County of Monmouth, State of New Jersey, and passing about one and four-tenths miles south of the pier of the Central Railroad of New Jersey at Atlantic Highlands to a point *J* of latitude forty degrees and twenty-four minutes north and longitude seventy-three degrees and forty-seven minutes west, said point being in the Atlantic Ocean; thence north eleven degrees fifty-eight minutes east twenty-one and sixteen hundredths miles more or less, to a point *K*, said point being about five miles east of the passenger station of the Long Island Railroad at Jamaica and about one and three-tenths miles east of the boundary line of the City of New York, in the County of Nassau, State of New York; thence in a northeasterly direction passing about one-half mile west of New Hyde Park and about one and one-tenth miles east of the shore of Manhasset Bay at Port Washington, crossing Long Island Sound to a point *L*, said point being the point of intersection of the boundary line between the States of New York and Connecticut and the meridian of seventy-three degrees, thirty-nine minutes and thirty seconds west longitude, said point being also about a mile northeast of the Village of Port Chester; thence northwesterly along the boundary line between the States of New York and Connecticut to a point *M*, said point being the point of intersection between said boundary line between the States of New York and Connecticut and the parallel of forty-one degrees and four minutes north latitude, said point also being about four and five-tenths miles northeast of the business center of the City of White Plains; thence due west along said parallel of forty-one degrees and four minutes north latitude, the line passing about two and one-half miles north of the business center of the City of White Plains and crossing the Hudson River to the point *A*, the place of beginning.

The boundaries of said district may be changed from time to time by action of the Legislature of either State concurred in by the Legislature of the other.

Article III. There is hereby created "The Port of New York Authority" (for brevity hereinafter referred to as the "Port Authority"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated, and such other and additional powers as shall be conferred upon it by the Legislature of either State concurred in by the Legislature of the other, or by Act or Acts of Congress, as hereinafter provided.

Article IV. The Port Authority shall consist of six commissioners—three resident voters from the State of New York, two of whom shall be

resident voters of the City of New York and recommended by the municipality of the City of New York, and three resident voters from the State of New Jersey, two of whom shall be resident voters within the New Jersey portion of the district, the New York members to be chosen by the State of New York and the New Jersey members by the State of New Jersey, in the manner and for the terms fixed and determined from time to time by the Legislature of each State respectively, except as herein provided.

Each commissioner may be removed or suspended from office as provided by the law of the State for which he shall be appointed.

Article V. The ommissioners shall, for the purpose of doing business, constitute a board and may adopt suitable by-laws for its management.

Article VI. The Port Authority shall constitute a body, both corporate and politic, with full power and authority to purchase, construct, lease and / or operate any terminal or transportation facility within said district; and to make charges for the use thereof; and for any of such purposes to own, hold, lease, and / or operate real or personal property, to borrow money and secure the same by bonds or by mortgages upon any property held or to be held by it. No property now or hereafter vested in or held by either State, or by any county, city, borough, village, township or other municipality, shall be taken by the Port Authority, without the authority or consent of such State, county, city, borough, village, township or other municipality, nor shall anything herein impair or invalidate in any way any bonded indebtedness of such State, county, city, borough, village, township or other municipality, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from municipal property or dedicating the revenues derived from any municipal property to a specific purpose.

The powers granted in this article shall not be exercised by the Port Authority until the Legislature of both States shall have approved a comprehensive plan for the development of the Port as hereinafter provided.

Article VII. The Port Authority shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the Legislature of either State concurred in by the Legislature of the other. Unless and until otherwise provided, it shall make an annual report to the Legislature of both States, setting forth in detail the operations and transactions conducted by it pursuant to this agreement and any legislation thereunder. The Port Authority shall not pledge the credit of either State except by and with the authority of the Legislature thereof.

Article VIII. Unless and until otherwise provided, all laws now or hereafter vesting jurisdiction or control in the Public Service Commission, or the Public Utilities Commission, or like body, within each State respectively, shall apply to railroads and to any transportation, terminal or other facility owned, operated, leased or constructed by the Port Authority, with the same force and effect as if such railroad or transportation, terminal or other facility were owned, leased, operated or constructed by a private corporation.

Article IX. Nothing contained in this agreement shall impair the powers of any municipality to develop or improve port and terminal facilities.

Article X. The Legislature of the two States, prior to the signing of this agreement, or thereafter as soon as may be practicable, will adopt a plan or plans for the comprehensive development of the Port of New York. No city within the Port District shall be bound by the comprehensive plan unless and until it has approved of the same. After the adoption of the plan or plans by the Legislatures of both States, no modification in such plan or plans shall be made except by the Port Authority with the approval of the municipality or municipalities directly affected by such modifications.

Article XI. The Port Authority shall from time to time make plans for the development of said district, supplementary to or amendatory of any plan theretofore adopted, and when such plans are duly approved by the Legislatures of the two States, they shall be binding upon both States with the same force and effect as if incorporated in this agreement.

Article XII. The Port Authority may from time to time make recommendations to the Legislatures of the two States or to the Congress of the

United States, based upon study and analysis, for the better conduct of the commerce passing in and through the Port of New York, the increase and improvement and transportation and terminal facilities therein, and the more economical and expeditious handling of such commerce.

Article XIII. The Port Authority may petition any Interstate Commerce Commission (or like body), Public Service Commission, Public Utilities Commission (or like body), or any other federal, municipal, State or local authority, administrative, judicial or legislative, having jurisdiction in the premises, after the adoption of the comprehensive plan as provided for in Article X for the adoption and execution of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the Port Authority, may be designed to improve or better the handling of commerce in and through said district, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the port.

Article XIV. The Port Authority shall elect from its number a Chairman, Vice-Chairman, and may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties.

Article XV. Unless and until the revenues from operations conducted by the Port Authority are adequate to meet all expenditures, the Legislatures of the two States shall appropriate, in equal amounts, annually, for the salaries, office and other administrative expenses, such sum or sums as shall be recommended by the Port Authority and approved by the Governors of the two States, but each State obligates itself hereunder only to the extent of one hundred thousand dollars in any one year.

Article XVI. Unless and until otherwise determined by the action of the Legislatures of the two States, no action of the Port Authority shall be binding unless taken at a meeting at which at least two members from each State are present and unless four votes are cast therefor, two from each State. Each State reserves the right hereafter to provide by law for the exercise of a veto power by the Governor thereof over any action of any commissioner appointed therefrom.

Article XVII. Unless and until otherwise determined by the action of the Legislatures of the two States the Port Authority shall not incur any obligations for salaries, office or other administrative expenses, within the provisions of Article XV, prior to the making of appropriations adequate to meet the same.

Article XVIII. The Port Authority is hereby authorized to make suitable rules and regulations not inconsistent with the Constitution of the United States or of either State, and subject to the exercise of the power of Congress, for the improvement of the conduct of navigation and commerce, which, when concurred in or authorized by the Legislatures of both States, shall be binding and effective upon all persons and corporations affected thereby.

Article XIX. The two States shall provide penalties for violations of any order, rule or regulation of the Port Authority, and for the manner of enforcing the same.

Article XX. The territorial or boundary lines established by the agreement of 1834, or the jurisdiction of the two States established thereby, shall not be changed except as herein specifically modified.

Article XXI. Either State may by its Legislature withdraw from this agreement in the event that a plan for the comprehensive development of the port shall not have been adopted by both States on or prior to July 1, 1921; and when such withdrawal shall have been communicated to the Governor of the other State by the State so withdrawing, this agreement shall be thereby abrogated.

Article XXII. Definitions.— The following words as herein used shall have the following meaning: "*Transportation facility*" shall include rail-

roads, steam or electric, motor truck or other street or highway vehicles, tunnels, bridges, boats, ferries, carfloats, lighters, tugs, floating elevators, barges, scows, or harbor craft of any kind, air craft suitable for harbor service, and every kind of transportation facility now in use or hereafter designed for use for the transportation or carriage of persons or property. "*Terminal facility*" shall include wharves, piers, slips, ferries, docks, dry docks, bulkheads, dock walls, basins, carfloats, float-bridges, grain or other storage elevators, warehouses, cold storage, tracks, yards, sheds, switches, connections, overhead appliances, and every kind of terminal or storage facility now in use or hereafter designed for the use for the handling, storage, loading or unloading of freight at steamship, railroad or freight terminals. "*Railroads*" shall include railways, extensions thereof, tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power houses, substations, lines for the transmission of power, car barns, shops, yards, sidings, turn-outs, switches, stations and approaches thereto, cars and motive equipment. "*Facility*" shall include all works, buildings, structures, appliances and appurtenances necessary and convenient for the proper construction, equipment, maintenance and operation of such facility or facilities or any one or more of them. "*Real property*" shall include land under water, as well as uplands, and all property either now commonly or legally defined as real property or which may hereafter be so defined. "*Personal property*" shall include choses in action and all other property now commonly or legally defined as personal property or which may hereafter be so defined. "*To lease*" shall include to rent or to hire. "*Rule or regulation,*" until and unless otherwise determined by the Legislatures of both States, shall mean any rule or regulation not inconsistent with the Constitution of the United States or of either State, and, subject to the exercise of the power of Congress, for the improvement of the conduct of navigation and commerce within the district, and shall include charges, rates, rentals or tolls fixed or established by the Port Authority; and until otherwise determined as aforesaid, shall not include matters relating to harbor or river pollution. Wherever action by the Legislature of either State is herein referred to, it shall mean an act of the Legislature duly adopted in accordance with the provisions of the Constitution of the State.

Plural or singular. The singular wherever used herein shall include the plural.

Consent, approval or recommendation of municipality — How given. Wherever herein the consent, approval or recommendation of a "Municipality" is required, the word "municipality" shall be taken to include any city or incorporated village within the Port District, and in addition in the State of New Jersey any borough, town, township, or any municipality governed by an Improvement Commission within the District. Such consent, approval or recommendation whenever required in the case of the City of New York shall be deemed to have been given or made whenever the Board of Estimate and Apportionment of said city or any body hereafter succeeding to its duties shall by majority vote pass a resolution expressing such consent, approval or recommendation; and in the case of any municipality now or hereafter governed by a commission, whenever the commission thereof shall by a majority vote pass such a resolution; and in all other cases whenever the body authorized to grant consent to the use of the streets or highways of such municipality shall by majority vote pass such a resolution. The Legislature of the State of New York shall provide for the manner of appointment of commissioners to the Port Authority in the event of the failure of the municipality of the City of New York to make recommendations in accordance with Article IV hereof.

State Regulation in Connection with Securities Offered the Public for Investment

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 1, 1920.

To the Legislature:

At the last session of the Legislature there was presented a bill providing for certain publicity and State regulation in connection with securities offered to the public for investment.

While the bill failed of enactment, it suggested a need for such legislation in this State and on September 25th of last year I requested Mr. A. Barton Hepburn, Mr. Charles H. Sabin, Mr. William H. Porter, Mr. William H. Remick, Mr. Alfred J. Johnson, Mr. John J. Pulleyn, Mr. John Godfrey Saxe, Mr. George V. McLaughlin, Mr. Laurence McGuire, Mr. James J. Hoey, Mr. Mortimer L. Schiff, and Mr. Edwin C. Vogel to serve on a committee to study the matter and suggest remedial legislation.

The commission gave of its time during the fall of last year and recently submitted its report. The report comes to me in two forms; one representing the conclusions of the majority of the committee and one representing those of the minority.

I am transmitting to your Honorable Bodies with this message both reports for such study and action as you see fit in the premises. I am unable to make specific recommendations myself as I am without any definite knowledge of this subject, but I feel very strongly that the investing public should be protected by all the safeguards that the State can throw around the business of offering securities to the public without unnecessary or undue interference with proper and legitimate business enterprises.

(Signed) ALFRED E. SMITH.

NOTE.— The majority and minority reports are contained in section X of the 1919 Public Papers.

Transmitting Report of Aviation Commission and Recommending Control of Aeronautical Matters

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 14, 1920.

To the Legislature:

Pursuant to numerous requests received by me, I appointed during the month of October, 1919, an Aviation Commission to investigate the entire question of aeronautics within the State of New York. This commission is composed of Colonel Jefferson DeMont Thompson, chairman, Henry Beaumont Herts, Frank S. Voss, Robert Graves, Alan R. Hawley, Frederick H. Allen and Chauncey D. Hakes.

The commission conducted hearings which were attended by aviation authorities connected with the army and navy, and civil and commercial interests, and have filed with me a report, copy of which I am transmitting to your Honorable Bodies herewith.

The report points out the purposes for which air craft, including aeroplanes and seaplanes of different types, dirigibles and kite balloons can be used within the State of New York. Reference is made to the report for these purposes in detail.

The commission has recommended the creation of an Aviation Commission of the State of New York, and has made suggestions as to its powers and duties.

I believe that aviation is a subject which in the future will vitally affect the government and welfare of the State of New York. At the present time, however, the subject is more closely associated with the military than with civil life. I recommend therefore that the Adjutant-General be given power to regulate and control all aeronautical matters within the State of New York, with authority if necessary to appoint a civilian commission to serve without compensation and to have control over the civil and commercial phases of the subject, to the end that a fixed policy in relation to aviation, including the establishment of routes and landing places, be adopted.

(Signed) ALFRED E. SMITH.

REPORT OF THE AVIATION COMMISSION

To His Excellency, the Governor of New York State, the Honorable Alfred E. Smith, Albany, N. Y.:

SIR.—Pursuant to your letter of the 24th of October, 1919, appointing a commission to investigate the whole question of aeronautics and what should be done by the State for the promotion of this important industry, and the regulation of flying, I beg to report that a meeting of the Commissioners was held in the Aero Club of America on Wednesday, January 7, 1920, at which arrangements were made to hold a series of public meetings in the council chamber of the City Hall to which all the available aeronautic authorities of the Army and Navy and civil life were invited to attend and give testimony. A complete stenographic report of the proceedings giving the findings at these hearing forms a part of the report.

PIONEER WORK OF AVIATION COMMISSION OF NEW YORK STATE

On January 17, 1920, the first public hearing was held.

A mass of valuable information was accumulated regarding the tremendous progress which civilian aeronautics and aerial transportation have made since the signing of the armistice and regarding the world-wide civilian aeronautic activities being organized.

Among the authorities invited to give their opinion to the Commission are: Orville Wright, Glenn H. Curtiss, Real Admiral Glennon, Rear Admiral Fiske, Henry Woodhouse, Maj. Gen. Charles T. Menoher, U. S. A., Col. A. R. Christie, U. S. A., Maj. F. H. LaGuardia, Com. Murray Hulbert, Lieut. Com. P. N. L. Bellinger, U. S. N., Rear Admiral Mark L. Bristol, U. S. N., Col. G. C. Brant, U. S. A., Maj. J. C. McCoy, Com. H. C. Mustin, U. S. N., Maj. Thorne Deuel, U. S. A., Col. Thomas Duncan, U. S. A., Brig. Gen. Robert K. Evans, Maj. Kruesi, Col. H. L. Watson, U. S. A., Lieut. Com. John L. Callan, Lieut. David H. McCulloch, Lieut. Col. Arthur R. Carmody, Capt. Jacques M. Swaab, Maj. August Belmont, Col. E. Lester Jones, Maj. Harry A. Bubb, Col. Charles deF. Chandler, Col. Philip A. Carroll, Mr. Elliott C. Cowden, 2d Lieut. F. T. Davison, U. S. N., Maj. Fred Libby. Maj. Howard L. Goodhart, Maj. C. C. Goodrich, Albert Kean, Col. Frank S. Lahm, Fabian Korber, Lieut. R. A. Lovett, Capt. R. M. Olyphant, Jr., Lieut. Herbert Pulitzer, Maj. Charles J. Glidden, Gen. George W. Goethals,

W. W. Mountain, G. Douglas Wardrop, John M. Larsen, Maj. Reed G. Landis, Lieut. Ralph Pulitzer, Bernard H. Sandler, Howard A. Schoolle, Lawrence B. Sperry, A. Leo Stevens, M. B. Sulzberger, Capt. Roger B. Whitman, Lieut. Chas. J. Wrightsman, W. W. Miller, Bion J. Arnold, Lieut. Herbert Pulitzer, Maj. Thomas S. Baldwin, Lieut. Godfrey L. Cabot, Maj. Max C. Fleischmann, Maj. Robert Glendinning, Maj. A. B. Lambert, Glenn L. Martin, Earle L. Ovington, Ernest R. Preston, Maj. John M. Satterfield, Frank A. Seiberling, Joseph A. Steinmetz, Capt. John B. Stetson, Jr., Harold E. Talbott, Jr., Lieut. Col. William Thaw, Ralph Upson, J. B. R. Verplanck, Lieut. Col. Jessey Gurney Vincent, Charles C. Witmer, Com. John H. Towers, George Scraggs, Maj. Victor H. Dumas, Col. Stecieher, Maj. J. C. Phipps, Capt. Eddie Rickenbacker and the commanding officers of the U. S. Naval air stations and U. S. Army air stations.

Maj. Gen. Charles T. Menoher, chief of the U. S. Army air service, assigned the following officers to appear before the Commission: Col. Thurman W. Bane, chief of the technical branch of the U. S. air service, in charge of McCook Feld; Colonel Westover and Lieut. Col. H. B. Hickham, Captain Miller and Col. A. L. Fuller, from the office of the chief of the air service. With Rear Admiral Glennon, commandant of the Third Naval District, came Commander Douglas, in charge of Rockaway Naval air station; Lieutenant Langley, U. S. N., and Lieut. Ralph Kiely, U. S. N., who was secretary of the American Aeronautic Committee of the American Delegation to the Peace Commission, and Lieutenant Vandewater, former U. S. N. aviator.

Among the allied authorities and aeronautic experts who favored the Commission with their advice are: Lieut. Col. Allesendro Guidoni, air attaché, Italian Embassy, who is well known among veterans in the aeronautic movement as a pioneer in launching weights and torpedoes from aeroplanes and for his substantial contributions to the development of seaplanes; Maj. Arthur Bles, who was the first British governor of Coblenz, after the signing of the armistice, and has been interested in aeronautics since 1905, when he published one of the first aeronautic magazines; Mr. Fabian Korber, French authority on lighting and wireless installation for aeroplanes, dirigibles and aerodromes; Maj. E. Clayton Kennedy, who has been prominent in developing aeronautics in Canada, and others.

Mr. August Post, the veteran aeronautic authority who has closely followed the development of aeronautics since 1905, and is secretary of the Commission, has just returned from a trip to Europe, where he visited and investigated aeronautic activities in England, France, Italy, Belgium, Switzerland, Spain and other countries and collected a mass of important data for the Commission.

The manufacturers and other business firms who attended or sent representatives to all the hearings were: The Curtiss Aeroplane and Motor Corporation, who sent F. L. Faurote, J. P. Tarbose, H. Jones; the Cantilever Aero Corporation, represented by Dr. Christmas and Mr. McCorry; the Interallied Aircraft Corporation, represented by Major Inwood, general manager; the Aircraft Engineering Corporation, represented by Horace Keane; the American-French Aero Exposition, Inc., represented by Maj. Thorne Deuel; the Martin Company, by Capt. James B. Martin; the Aircraft Advertising Agency, Inc., by Capt. Joseph H. Bean; the Aero Protective Association and Payne and Richardson, by H. C. Richardson; Aerial Age Weekly, by G. D. Wardrop and Harry B. Childs; the Aeronautic Library, by H. C. Wirth; the Beardmore Co., by F. G. Browne; Flying, by P. Gibson; Air Power, by M. Ovenden; Frazer & Co., by Maj. Walter E. Kruesi. A number of out of town manufacturers, including Col. J. G. Vincent, of the Packard Co., and Capt. James V. Martin, of the Martin Co., were unable to attend, but wrote their opinions to the Commission.

Madame Jane Herveux, the pioneer French aviatrice, who has been flying for ten years and is completing arrangements for an aeroplane agency, also gave her opinion that the immediate future of commercial aeronautics is immense.

The authorities generally endorsed the plan to start aeronautic activities in the State under a central commission as proposed by the plan submitted.

Admiral Glennon, in expressing appreciation for the Commission's pioneer work, stated that it would do much to encourage the development of aeronautics.

Admiral Fiske reminded those present that the creation of the Naval Reserve air forces was started by the Naval Militia of New York, under the auspices of the Aero Club of America, and resulted in the formation of a number of units of the Aerial Coast Patrol, which were trained at private expense, and 200 members of these units were taken over by the Navy in the early part of 1917 and given commissions and were among the first American aviators to go overseas.

Each of the authorities gave his advice and suggestions in different branches of aeronautics. A complete account of their statements makes an interesting book.

Statement made to the Aviation Commission by ALBERT BUSHNELL HART, Professor of Government, Harvard University:

THE NEXT WAR

> "Am I in favor of the war? Certainly I am in favor of the war. I was in favor of the last war, I am in favor of the next war. I have been in favor of the next war for the last fifteen years."

This is the way Artemus Ward of humorous memory expressed himself a half century ago when his loyalty was doubted. Quite a few good people nowadays are striving hard to make it clear that they have been in favor of this war from the first, although newspaper files contain their public statements that the Germans were sure to win, coupled up close to the deduction that they ought to win. For instance, Mr. Berger is deprived by an unfeeling court and an unsympathetic House of Representatives of an opportunity to explain on the floor of Congress his lack of confidence in any kind of war.

Every right-minded person has to believe in war now, just as he believes in the Ten Commandments and Washington's Farewell Address and the Gettysburg Speech. We don't like pacifists and have little sympathy for the conscientious objectors, who, after all, look upon war from the same angle as that of William Penn and Tolstoy and thousands of the best men and women that the world has ever seen. The country has accepted war as a hard, inevitable fact along with hurricanes and the high cost of living, as a kind of "inscrutable act of Providence by which our dear brother has been taken from us."

Things were not so hard and fast in the last war before the last — which was no longer ago than 1898. The impression left on the public mind by the Spanish war was that of lofty sympathy with an oppressed people struggling to establish a free republic, of desperate and gallant deeds by land and sea, of the mighty removal of the Spanish boa constrictor from the collapsing waist of America. It was a victorious war. The Spaniards ingloriously retired from the last remnants of their colonial empire.

All that was a result of a few weeks of war. We forgot the amazing stupidity and incompetence of that war, the foul camps, the preventable deaths from typhoid fever, the lack of discipline, the breakdown of transportation, the spectacle of a command of artillery transported from Tampa to Cuba, the men in one ship, the horses in another and the guns in a third. Suppose it had been a really brilliant war, hard fought, testing all the energies of the country, could we have done more than to annex Porto Rico and the Philippines?

In those days of old, notwithstanding the victories, people were allowed to oppose the war from start to finish without being jailed or investigated by Congressional committees. The anti-imperialists were against that particular war, that kind of a war, and almost any kind of a war. They had their newspapers, their societies, their public meetings, their appeals to Congress. A man could be a pacifist and still a member of a good club and superintendent of a Sunday school.

Many Americans opposed the Spanish war because they thought it a war of aggression and conquest. Our experiences since 1914 have demonstrated that the most powerful nations may be compelled to go to war because it is thrust at them. A great lesson in public law has been brought to the world in the failure of all artificial barriers to stop a strong, well-organized and conscienceless nation like Germany. It took a long time to bring that fact home to the minds of Americans, especialy those who had been putting their confidence in arbitration treaties and Hague courts. The distinction is now probably clearly drawn between a passionate desire for peace and a guarantee of peace. Roosevelt's references to the example of China had great effect — the most peaceful people on earth and yet exposed to civil and external war against which they were helpless.

Yet from 1914 to 1917 there was no effective public sentiment that war was inevitable for the United States. From the beginning a small number of prominent men vainly urged that the United States ought to go to war to aid in protecting Anglo-Saxondom, or in order to carry out an international guarantee of the neutrality of Belgium. No headway was made toward taking the field to put an end to German atrocities in the field of war. It is very doubtful whether even the impending collapse of the Western allies would have brought in the United States, but for the personal experience of German methods of sea warfare and German official behavior inside the United States. The statesmen who roused the people of the United States to war were neither their own President nor the leaders of the opposing party; they were Admiral von Terpitz and Ambassador von Bernstorff.

Those influences have ceased and still we are at war. Nominally with Germany and Austria, through a preposterous snarling of the processes of government by which the treaty is not made effective. War in the main field has ended, but economic war still goes on, to our own detriment as well as to that of the European peoples. We cannot seem to shake ourselves loose from a war which American people never desired for its own sake, out of which they preferred not to draw advantages and prestige in Europe, and which now involves the suffering and death of hundreds of thousands of harmless men, women and children.

There is also a present war in Europe, actual, grim, murderous. All around the borders of the defunct Russian empires wages fierce war, pitiless war, a war destructive of property, of life, and of the human soul. Armies are in the field in Poland, in the Baltic provinces, in Hungary, in Roumania, in Asia Minor. The Egyptians are watching their chance to attack their masters, and the Syrians will presumably feel no more kindly toward the French. Enver Pasha, the worst and most dangerous man in the East, is striving to spread fire and sword all the way across to India. The Armenians, despoiled, tortured, and frightfully diminished, are subject to another inroad of ferocious enemies. The Jugoslavs are ready to battle for their port. Even on the southern border of the United States is a smouldering fire which may break out in flames any day. People do not like war — there is hardly a soldier returning from the ranks who does not hate war — yet the world is still in the midst of conflicts and danger.

The cry which went through the world in 1917 was that civilization was dying unless the Western powers could band together "to make democracy safe" and, much more directly, to make safe their capitals, ports, factories, mines, and fields. For this 2,000,000 American soldiers crossed the sea, and by their actual fighting and their presence turned the balance. And who can fail to see that democracy is still at least unsatisfied, even in the democratic countries of Great Britain, France, and Italy? Public opinion in those countries is still a boiling pot; nobody can say with any confidence what party or what political group will be in power and make the decision in those three countries five years hence. And all those countries are in a dangerous, and some in a desperate, financial situation.

Of course, there is no longer immediate danger of invasion. All the land is there, and except in the theater of war, all the buildings and railroads and canals and cleared fields. Most of the popuation remains. There is, however, a great disruption of industry and a dangerous depletion of the stocks and goods and necessary machinery.

The public debts of all those countries are simply a system under which a minority of the population expect to receive part of the earnings of the majority of the population in the form of interest as far ahead as you can see. All those countries are on a paper money basis, and the so-called fall of exchange is in one sense simply a measure of the lack of confidence that bankers and money kings feel in the final redemption of that paper money in specie. The simple truth is that the whole machinery of international trade and exchange is demoralized. Before the war it was working like a well-oiled engine, each valve and plunger and cam playing exactly into the neighboring parts. Now the whole thing is out of plumb. It jars itself. The delicate balance is destroyed.

The last thing that those nations want is war, for, so far as territory is concerned, all three are gorged with new accessions which it will take years to assimilate. They have all lost frightfully in man power, they are weary unto death with the sacrifices and suffering of war. They will provoke no war in our time. They will support almost any league of peace which is acceptable to the United States, because they realize that a league which the United States will not join will sooner or later be felt antagonistic by this country. They are coming out from under the ether with the deadly sickness of their half-recovered patience.

When you turn to Eastern Europe and Western Asia, the patient has taken not ether but hasheesh, and is either submerged in dreams or raving with terror and fury. Germany undoubtedly wants peace for the present, but, as a vigorous and intellectual German has recently written: "We Germans in general remain sound and complete; so much the world will certainly experience in the future." Nobody can believe that the German people have been made a peace-loving nation by their defeat.

The new Central Powers are in confusion and war, the Czechoslovaks have defined their boundary and settled down to it, but the Poles are still fighting for territory against their northern and eastern neighbors. The Jugoslavs, who aim to be a great power, seems likely to be excluded from connection with the sea by an adequate port. In the Balkans the Macedonian question is no more settled than it has been at any time these ten years, and Bulgaria still watches for the long expected opportunity to become the principal Balkan power. The Greeks justly ask for Thrace, with its Greek population, and unjustly occupy parts of Aidin, with a considerable Turkish population.

Do we realize that all the passions which brought about war in 1914 are still rampant? Germany, Italy, Poland, Jugoslavia, Bulgaria, Roumania, Hungary, the Ukraine, are all fighting or wish they were fighting, for territory and prestige. Those Roumanians who were formerly imbedded in Hungary against their will have carried with them into the Roumanian state a large body of Germans against their wills. The only self-determination in which those little countries seem to have confidence is the right to decide on war.

The race antagonisms in Austria-Hungary have disappeared because the empire has disappeared; but nobody can believe that the Slavs who live in the dead empire will love the Hungarians and the Germans as neighbors any better than they loved them as masters. War is still going on in many parts of eastern Europe, a despicable war of violence and lust and torture, war such as the Turks practiced when they ravaged these unhappy lands.

The Turks are still harrying Christians in the Asiatic dominions and demanding of mankind to leave them Constantinople, because they are such perfect gentlemen. Nor does Europe seem any more disposed now than before the war to free itself once for all from the intolerable shame of permitting a small Asiatic race, which never could have lived except by strengthening itself with Christian blood to gain a footing in Europe, and though an uncommercial people, to hold the natural commercial center of the Near East.

As well give back Jerusalem to the Turks as Constantinople. They have forfeited both.

The present net result of the war, however, is that four European powers, Great Britain, France, Italy and Greece, have a foothold in Egypt, Asia Minor, Syria, and Mesopotamia, which they will never give up except by force or the pressure of world public opinion. Turkey is practically destroyed already, has lost Arabia, lost the Tigres and Euphrates valley, lost the Holy Land; now it asks to be allowed to hold a strip of Europe and to complete the extinction of the Armenians. There is war if the Turks are allowed again to pull the wool over the eyes of Europe; and it will take something like war to make them desist.

Over other parts of Asia floats a war cloud. The so-called Treaty of Peace has not made the Chinese and the Japanese friends, and it has probably encouraged the people of India to demand a new status and new privileges. Siberia is both Asiatic and European, and a dangerous and incalculable element toward both countries.

As for Russia, who shall venture to understand or predict, except that 100,000,000 people speak Russian, have Russian traditions, and think Russian, that they occupy a country as capable of self-supply of everything needed in peace or war as the United States of America; that they have a strong sense of their significance in the world and undoubtedly the same intention and expectation of some day hewing their way down the Bosporus and Dardanelles to the open sea.

We Americans hold the indefinite impression that Europe and Asia are exhausted; that nobody can afford to go to war. Quite the contrary. Notwithstanding the losses of tens of millions of men, the flower of their age, their younger brothers are coming right along; and five years hence there will be as many young men from 17 to 25 as there were in 1914. Countries which depend on food from outside are for the time being handicapped, but Russia and Poland, India, China, and Japan can feed themselves and their armies. Navies are of slow growth, yet it is doubtful whether any heavy iron-clad war fleet will ever again put to sea in face of the dangers from beneath and above, and from the new shells which threaten to pierce any defensive armor.

Future wars are going to be fought, like the last stages of the present war, by troops lying in trenches and aided and protected by airships. Supremacy in the air means victory. Airships in an inventive and mechanical nation are comparatively easy to build in great numbers and require a slender force to man them. This throws a great advantage on the side of the most highly educated nations. No more wars can be won by immense forces of reckless, mounted horsemen. But you must never forget that the Turks were once the best artillerists of Europe. Chemists and engine builders can be acquired. If the East Indians and the Chinese begin building airships, who can stay them?

Can the world finance more wars? Not by borrowing from other countries, as Russia did from France, and France from the United States: we must remember, however, that a country which has coal, iron, timber, chemicals, raw materials and plenty of men can keep an army in the field by starving or semi-starving the civil population. There is no physical reason why, in five or ten years, the great struggle may not be renewed.

Suppose Europe and Asia broke loose again. Will that disturb us? Can we not keep on reading the Farewell Address under our own vines and fig trees? Certainly we can, unless certain possible difficulties come in. It is conceivable that troubles might arise over the presence in the United States of hundreds of thousands of citizens of countries that had gone to war elsewhere. It might chance that rival powers would try to draw munitions from the United States, and, if one gained control of the sea against the other, our neutrality would be assailed.

It might even happen that American ships and property and citizens would be killed by illegal methods of warfare by sea or land. Vessels with scores of Americans, including children, might be sent to the bottom without notice. We might even become persuaded that one of the parties to the war would, if victorious, take the first opportunity to finish us up.

What would we do in these circumstances? What could we do but what was done in 1917? Declare war and trust in Providence! The point is obvious: Either we were wrong in joining the war in 1917, or we shall be right to join it in like circumstances in a future year. Let us not deceive ourselves. The temper of the world is bellicose. Whether for good or for evil, the United States declines to take the commanding position of leader and arbiter in the world's affairs, which the Western powers desired and the other allies were ready to accept. So far the United States has held aloof from the League of Nations, the only formal agency for preserving peace by preventing at least some wars. We cannot protect ourselves by George Washington's maxim except by following George Washington's principle of developing new policies to meet new dangers.

If the world is still in danger; if the United States will not join in a concerted effort to combine the peace-loving and peace-preserving forces of the world for the common benefit of mankind, there is only one other thing which a self-respecting nation can do. That is, to get ready; not by a standing army, but by a system of giving young men as they come along a year's military training which will compel them to learn the first principles of health and sanitation, which will develop future officers. Alongside it must go the most careful technical preparation of essential military material, particularly for air warfare.

Let us never again be caught as we were in 1917, a nation of one hundred millions without a single practicable modern war plane, without a fleet of destroyers, without available submarines, without a trench bomb or a field telephone system or wireless equipment, without a single battery of great field guns, without an officer trained in modern trench warfare. We have once escaped the danger of being caught unawares by an invading enemy. As sensible, practical, self-governing men and women, let us at least make that form of self-destruction impossible.

From the data and testimony presented, it became evident that owing to the great aid which the State of New York can derive from aircraft, a permanent State Aviation Commission should be established and aircraft and the aeronautic industry promoted by the State within the State of New York.

Aircraft, including land aeroplanes of different types, seaplanes of different types, dirigibles, and kite-balloons, can be used by the State of New York for the following general purposes:

(1) For the military branch of the State Militia (the National Guard);
(2) For the naval branch of the State Militia (the Naval Militia);
(3) For the formation of an aeronautical section of the State Constabulary;
(4) For use as an aid to the State Conservation Commission in mapping of forests, locating and reporting forest fires, photographing forests for isolating infected areas, patrolling, etc.;
(5) For use as an aid to the State Waterways Commission in its inspection and operation of canals, other State waterways, etc.;
(6) For use as an aid to the State Railroad Commission to take photo films showing the exact conditions of railroad property, railway roadbeds, landslides, washouts, etc.;
(7) For use as an aid to the State Agricultural Bureau to make aerial crop surveys, and for other purposes;
(8) For use as an aid in making available to the State Insurance Department, exact, authentic, full and complete data, and full information of types of aircraft, of pilots and of aircraft companies operating within the bounds of the State of New York, and of aeronautic risks;
(9) To facilitate the establishment of aerial parcel-post, express and transportation lines to rural districts to ensure rapid transportation of perishable, farm food products, merchandise, etc., and to make possible rapid communication with rural districts remote from railroad stations;
(10) The Commission points out that the State of New York can profitably operate a chain of air-ports throughout the State, operating the same

on lines possibly similar to New York City's operation of its city docks for the dockage and berthing of water-craft, and thereby reap financial return;

(11) A source of revenue to the State would also be created by the licensing of the aviators and of aircraft.

CONCLUSIONS

The Commission has arrived at the following conclusions:

1. *The Aviation Commission of the State of New York* should be made a permanent institution of the State, with a secretary and an adequate clerical staff, with suitable offices, to collect aeronautical information and data, including commercial aerial transport statistics, and to print and distribute such matter as should be published.

II. *Powers and Duties.*— The Commission shall have power and control over all aeronautical matters within the State—

(a) It shall instruct the State's representatives at Washington in regard to the aeronautical needs of the State and shall advise with them in regard to Federal legislation affecting the State of New York.

(b) It advises the organization of a State Military and Naval Aviation Corps in accord with the organization tables and chart herewith annexed and to conform with the program proposed by the Army and Navy.

(c) It shall recommend the necessary appropriations for establishing and maintaining an air force to balance the Military and Naval forces of the State.

(d) It shall organize a State Constabulary force, provided with both lighter-than-air and heavier-than-air aircraft, so organized as to be available for use in other State service.

(e) It shall make rules and regulations and also suggest legislation to govern all aerial activities, and to encourage the industry and operation of aircraft in the State.

(f) It shall require that all pilots hold a certificate and that all aircraft be inspected for air worthiness, and that aviation students hold a student's permit issued by the Commission. All Army, Navy, Post-Office and F. A. I. (Federation Aeronautique Internationale) certificates shall be recognized by the Commission.

(g) It shall establish air routes for the State and locate landing fields to form a chain, with a view to securing the utmost safety and continuity along the routes, requiring uniformity of signals, signs and markings.

(h) It shall make maps of the State showing the routes laid out, the landing fields and other aeronautical information.

(i) It shall secure and transmit meteorological information for the benefit of air pilots.

(j) It shall investigate safety devices which may be applied to aircraft carrying passengers.

RECOMMENDATIONS

The Commission makes the following recommendations:

1. That the Commission shall visit all principal cities of New York State to advise with the municipal authorities in regard to proposed sites for landing fields and to inspect those already established.

2. That the Commission immediately list all the landing fields and prepare a map of the State showing the principal air routes, and detail maps showing the principal characteristics of the completely equipped landing fields. Also, that all of the available data and information regarding emergency landing fields throughout the State be secured.

3. That a registration be immediately required of all aeroplanes owned by the State, and also a registration of all pilots flying within the State.

4. That all pilots be required to hold an Army, or Navy, or Aerial Mail or International F. A. I. (Federation Aeronautique Internationale) certificate, or other competent authority recognized by this Commission; and that a student's permit be issued.

5. That a system of inspection for air worthiness of passenger-carrying aircraft be inaugurated.

6. That a request be made to the State's representatives in the Senate and in the House of Representatives for copies of all bills heretofore and hereafter presented in each branch of the National Congress bearing on the subject of aeronautics, which may affect the State of New York, and to advise the Commission of projected legislation along the lines of the nation's aeronautical program.

7. That the State aid in the establishment of a Chair of Aeronautics in Columbia University and in Cornell University.

8. That in view of the national importance of aeronautics for the defense of the country and to encourage the aeronautic industry, it is recommended that consideration be given by the Legislature of the State of New York of the question as to whether aircraft in actual operation, landing fields recognized by the State Commission and aircraft factories might be exempt in whole or in part from State taxation, in view of what is being done in other states of the Union to attract aircraft manufacturers.

9. That in view of the great interest which has been shown in the proceedings of the Commission, and of the demands which have been made upon the Commission for copies of the testimony, statements and data brought out at the public hearings, by the air attaches of foreign governments, and the air commissioners of other states, the Commission recommends that not less than 2,500 copies of the Proceedings of the Commission be printed for distribution.

All of which is herewith submitted.

(Signed) JEFFERSON DEMONT THOMPSON, *Chairman*,
HENRY BEAUMONT HERTS,
FRANK S. VOSS,
ROBERT GRAVES,
ALAN R. HAWLEY,
FREDERICK H. ALLEN,
CHAUNCEY D. HAKES,

AUGUSTUS POST, *Secretary*,
297 Madison Ave.,
New York City, N. Y.

Development of Rural Motor Truck Express Routes to Facilitate Marketing of Farm and Food Products — Transmitting Report of Highway Transportation Committee

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 15, 1920.

To the Legislature:

Early in September, 1919, upon the recommendation of the Reconstruction Commission, I appointed an unpaid committee, known as the State Highway Transportation Committee, consisting of Honorable Peter G. Ten Eyck, chairman, and Frederick S. Greene, State Commissioner of Highways, William E. Dana, chairman of the Council of Farms and Markets, Professor James E. Boyle, of the State College of Agriculture at Ithaca, and F. W. Finn, secretary

of the Motor Truck Express Committee of the National Automobile Chamber of Commerce.

This committee was appointed for the purpose of making a study and perfecting a program for the development of rural motor truck express routes in localities of the State where they would aid most in giving the farmer a more direct outlet for his produce, and especially, in view of the high cost of food products, to facilitate, if possible, the getting of food products to market, with a view of stimulating production and giving assistance in lowering the cost of living.

This committee has given freely of its time in making such investigations and has submitted to me a report, with certain recommendations, a copy of which report is hereto attached and transmitted to your Honorable Bodies for consideration and such action as your Honorable Bodies may deem proper and necessary.

The committee urges that in order to carry on the work properly it should have sufficient funds to defray the expenses of the committee in obtaining and compiling the necessary information, so that it can intelligently co-operate with the different communities in establishing rural express routes where needed. It is not the intention of this committee to extend State aid in any way to the establishment of these routes, nor to seek to establish them in localities where other transportation facilities are already provided. The purpose of this appropriation, if made, is simply to provide an office and necessary clerical assistance for the committee to function properly.

This is a matter of so much importance not only to the producer of food products, but to the consumer as well, that I believe your Honorable Bodies should give this request careful consideration.

(Signed) ALFRED E. SMITH.

REPORT OF THE NEW YORK STATE HIGHWAYS TRANSPORT COMMITTEE

The investigations made by the committee in reference to highway transportation, especially the freighting of farm products and supplies, have shown that there is an urgent need for the extension of highway transportation, and that there is a general desire on the part of farmers and merchants for authoritative information regarding such transportation, and requests for aid in the establishment of co-operative motor truck service.

The committee is ready and anxious to proceed with its work but finds that it lacks facilities to properly function, that to carry on its work it will need the services of a Field Agent, an executive stenographer and a headquarters.

The committee finds that in order to carry on the work, for which it was created, it is necessary that sufficient funds be provided so that it can properly function in accordance with the recommendation of the New York State Reconstruction Commission and in accordance with the recent message of Alfred E. Smith, Governor of the State of New York, January 7th, 1920, to the Legislature as regards the rural express service.

The committee believes that the best results can only be obtained through an intelligent survey of the State in co-operation with the New York State College of Agriculture in junction with the County Agents of New York

State so that they may intelligently carry to a successful conclusion the project for which they were appointed and recommends the following policy and the compiling of information as set foth below:

FIRST: Accurate information as regards to the number, location and commodities carried by existing rural motor transportation lines.

SECOND: Data as regards locations where additional lines should be established to meet the demands for transportation where no adequate service exists at present.

THIRD: Co-operate with various departments and act as a central clearing house committee for the promotion of improving transportation facilities so as to conserve farm products and thereby lower the cost of living.

FOURTH: Co-operate with local communities as regards furnishing information and assist them through a Field Agent in organizing express routes for their local commercial economic needs.

FIFTH: The policy of this committee is not to establish rural express routes to compete with transportation facilities already established. The first duty is to create transportation facilities in those locations which have none at present.

SIXTH: No financial State Aid is to be given to the establishment of any rural express lines.

SEVENTH: The committee recommends that the Legislature appropriate the sum of $10,000, to defray the expenses of the work of the committee to promote increased motor facilities, to lower the high cost of living and create an adequate economic distribution of food products.

EIGHTH: The committee further recommends that an office be located in the Capitol Building so that it may function as work of the State rather than a project of some particular department, with a paid secretary in charge of the office, a stenographer and Field Agent. The Field Agent to work in the Field and obtain and compile the necessary information so that the committee can intelligently co-operate with the different communities in establishing rural express routes where needed.

(Signed) PETER G. TEN EYCK,
Chairman, Highways Transport Committee, State of New York.

Housing Problem — Calling Attention to the Emergency which Confronts the State and Asking for Remedial Legislation

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920.

To the Legislature (in Extraordinary Session):

I have exercised the power vested in me by the Constitution to call the Legislature into Extraordinary Session because I am convinced that an emergency confronts the State, and because I feel that we cannot wait until the regular session to find remedies for its relief.

In the period of reconstruction many problems have been pressing for solution which are not ordinary in their nature, but are the direct result of war conditions. None of them has so taxed the agencies of government as the question of proper housing facilities.

In January of 1919 I charged the Reconstruction Commission with the duty of making an exhaustive inquiry into this subject to the end that the legislative and executive branches of the government might be in a position to deal with this problem, which even at that time promised to be acute. Your Honorable Bodies, believing that

facts should be produced upon which to predicate remedial legislation, appointed a committee from both houses of the Legislature to investigate the subject. This committee reported at the last session of the Legislature and several legislative proposals arising from their report were enacted into law. It was admitted at the time that they were expedients intended to alleviate the situation temporarily. As we understand legislation, they were entirely regulatory. Two vital obects were overlooked; one, the encouragement of building construction, and second, the adoption of a State policy looking to the future study and development by the State of this all important question of adequate housing facilities.

Experience of several months has revealed to us the weaknesses of the temporary expedients and has made more acute the necessity for encouragement of building operations so far as it can be done by law, and the creation of State agencies for future use.

We, therefore, at this session, as I see it, have three distinct branches of the subject with which to deal.

First, the strengthening of the temporary statutes enacted at the recent session.

Our temporary laws of last spring have fallen far short of what was expected of them and selfishness and greed on the part of not a few landlords has brought about an indescribable condition in the Municipal Courts in New York City. I am informed by the president of the Board of Justices of the Municipal Court that there are pending for October first more notices of dispossess proceedings than were filed during the whole year of 1919 — approximately 100,000. The courtrooms have been crowded beyond their capacity by tenants seeking relief. These figures of themselves cannot communicate the harassing uncertainty and the misery caused by the constant repetition of these proceedings. It has been publicly stated by the Health Commissioner of the City of New York that this condition of uncertainty is alone a direct menace to the health and welfare of the community. The housing shortage leaves the citizen nowhere to turn. Families have been broken up and dispersed generally through the city, or crowded and huddled into the homes of relatives until the health, welfare and morality of the community are seriously threatened.

It seems a very great pity that the decent, honest landlord should be obliged to come under a regulation clearly not intended for him, but made necessary by the willful and deliberate profiteer, who would turn this great crisis in our State's history to his personal advantage. The people, to some degree at least, have managed to protect themselves from other forms of profiteering, but they are helpless to deal with this one, because a home, everyone must have. Have in mind that no regulatory legislation, properly drafted, will have any disastrous effect upon an honest man. It has been my experience that only those who seek to live outside of the moral law have any great fear of State regulation. The State has a conscience and it will regulate fairly.

Inasmuch as regulation must be exercised through the agency of our courts, it is to existing statutes or the enactment of new ones supplementing them that we must turn our attention.

Landlords have been given the special privilege of summary proceedings in order to regain immediate possession of their premises. This privilege does not belong to any landlord as a matter of inherent right. Inasmuch as the evidence laid before us indicates that summary proceedings are being grievously abused, in a crisis of this kind, the State does only its duty when it withdraws or modifies them.

There is an abundance of evidence that undesirability or failure to pay rent is not in the majority of instances the basis of the application for the writ of summary removal, but on the other hand, it is the operation of the profiteer who would remove the desirable and paying tenant in order to create a vacancy which may thereafter be offered to the highest bidder. As a result of this families have been shifted from place to place without rhyme or reason and the unscrupulous and selfish have profited immensely by it. October first was to be the height of the harvest. The State should step in and use its power to disappoint them.

I believe the emergency to be such that the strong arm of the State must reach through its courts and protect the people for at least one year, until the crisis shall have passed or the situation is relieved. The courts should be empowered where it is evident that the dispossess is requested for the purpose of unreasonable rent raising, to suspend the dispossess remedy for an adequate period. You might well hold that the courts shall have the power to suspend rent increases and place the burden of proof upon the landlord to show the necessity for the increase or any part of it. No honest man can suffer from such legislation. The court will undoubtedly give its approval to increases that can be justified.

Inasmuch as the personnel of your committee remains the same I have no doubt that they will be in a position to suggest to you other specific amendments to the existing so-called rent laws; and that they will strengthen them where experience has proven them to be weak.

The second phase of the question before us is how to stimulate building construction. Figures gathered from the most authentic sources indicate that the State is years behind its normal housing accommodations. Between June 1, 1919, and July 1, 1920, in the City of New York, 3,652 individual apartments designed for the same number of families were constructed, but as an offset to that new construction there were demolished or converted for nonresidential uses 3,833 apartments, leaving 271 less homes at the end of that perjod, although the question has been constantly before the public for a year and a half.

The housing shortage is felt not alone in the City of New York but all cities in the State are passing through the same difficulty. In New York City at least 50,000 homes are immediately necessary. It should therefore be your chief objective during the Extraordinary Session to encourage, so far as that can be done by law, the building of houses.

The commercial and economic supremacy of the State is threatened by this shortage. No community can expect to achieve an industrial growth if it is unable to house its working population properly.

Labor shortage can be frequently attributed to improper housing accommodations. It is only human for a man to want to live where he can rear his family in decency and comfort. If some other State offers him that opportunity, it comes into sharp competition with our own State, and good housing is therefore a necessity for the promotion of commerce and industry.

The question of stimulating building becomes a very practical one because of the fact that the cost of building operations has trebled since 1915. Building at this time is considered an unprofitable field and money will not enter it, nor can it be forced into it by law, but we may be able to offer an inducement to capital to come back into the field and building may be resumed in a natural way if the State can find some way to offset the increased costs.

A very vital element in the carrying cost of a newly constructed building is the taxation to which it is subject. While I do not, as a matter of policy, favor tax exemptions, the emergency is such at the present time that it might be well to consider the enactment of a law exempting from taxation for a period of years, with proper restrictions, buildings used for dwelling purposes whose construction is undertaken within such a period as will assure an immediate increase in housing accommodations. I believe this will aid in putting new construction on a fair competitive basis with buildings erected before the war and will assist in creating a market for new buildings.

Much has been said about the exemption of mortgages from the provisions of the State income tax. The State's tax is very small and we can give no guarantee of Federal legislation along the same line. I, therefore, do not place much faith in this suggestion as offering any great remedy. However, your legislative committee is in possession of more facts on this subject than I can lay before you.

Loaning institutions apparently have not kept in step with the times and have spent their energy in securing investments bringing a larger return than real estate mortgages. For instance, our savings banks and mutual insurance companies are organized not for profit but as depositaries for the people's money, and it would be entirely in keeping with their purpose if their funds were made available to a greater extent to meet the people's needs, by investing a larger portion of them in bond and mortgage.

In 1914 there was created by statute a State Lank Bank having for its purpose assistance to building and loan associations. Inasmuch as the proceeds from the sale of the bonds of the Land Bank are used for the building of homes, the State should do everything that it possibly can to make the bonds a more desirable purchase. We have already exempted them from the provisions of the State income tax but the abnormal yield at this time from other securities is such as to make them an undesirable investment. It might be well that the State use its own moneys or a portion thereof now in the various sinking funds of the State to purchase these bonds. It might also be advisable to enable municipalities of the State to invest in such bonds.

These recommendations are made in the hope that the legislation which they suggest will bring voluntary capital into the building

market. That, of course, remains to be seen. If the present condition be not thus relieved and the health of the community continues to be menaced, then we have a grave public emergency to meet such as would confront us in a time of epidemic or of catastrophe. Clothed with the proper safeguards the police power of the State should be extended to municipalities in order that they may be enabled either to build or lend their credit to the building of houses.

Undoubtedly the State as well as the municipalities should be in a position to extend its credit either through the medium of the State Lank Bank or a specially created agency.

There is one avenue of possible direct State aid in an emergency which might be applied at once. The State apparently owns considerable property that was either acquired by escheat or was bought in at tax sales. It might be well to direct the Comptroller either to arrange favorable short term leases or dispose of the property, if it is to be used for housing at such prices as will encourage its development.

It has been called to my attention by the report of the Reconstruction Commission and by hearings held before the Joint Legislative Committee and by private citizens, that the high cost of building materials is artificially stimulated. No doubt, one very vital aid to construction would be the elimination of any combinations to increase the prices of building materials. Investigation of this situation by an agency of your own creation is, to my mind, highly desirable.

We come now to the third consideration — provision for a permanent housing policy.

The existing accommodations are far from the standards of adequacy that a normal family has the right to expect. I was conscious that the State was facing a problem of housing, both from the fundamental point of view, and from that of the shortage in the supply, when I asked the Reconstruction Commission to study and to suggest a permanent policy for the State in this regard.

The evils of bad housing are only too apparent in New York City — but my study and experience here have shown me that an inadequate standard of housing exists in nearly every city and town in the State. The tenement house law has some measure of beneficent effect, but in the smaller communities, investigation shows that housing is without even elementary supervision as to safety and sanitation.

Nor is the situation of such recent growth as is popularly supposed. Since we passed the tenement house law of twenty years ago, nothing constructive has been done. We rested with that achievement and every attempt to aid in developing a solution for other communities has met with failure.

Any attempts to amend the present tenement house law are likely to be viewed with alarm and suspicion if they are aimed at detailed and specific sections of the law. It is, however, probable that the law can be made to fit present conditions if it is applied with greater elasticity. I would, therefore, recommend as an aid to the construction of multi-family homes, that there be created

for the tenement house department a Board of Appeals similar to or identical with the one at present functioning for the Building Department in the City of New York. If such a Board is constituted, deviations from the letter of the law, which make possible new methods of construction, can be carefully considered by such a Board and the law be less hampering in its effect.

Building houses for some groups in the population has become an unprofitable business. Hence, these groups, have for a generation lived in the left-over housing, or in the cheapest and most poorly-planned type of home that a grudging and unrealizing community would provide. As a result of the present emergency, a still larger portion of our population is being forced back into houses of a standard below that which we have accepted as decent American homes.

Except for the report of the Reconstruction Commission and the findings of your own Committee, we have been aided by no State agency in the consideration of this very important problem. In the enactment of Labor Laws, we are guided by the Industrial Commission. In the enactment of Health Measures, by the State Health Department. In matters affecting the conservation of our natural resources, by the Conservation Commission. The Banking Department, the Insurance Department, and other States agencies all deal with special subjects that need Executive or legislative action. But in housing, dealing with the elementary need of shelter and establishing homes, there is no State or local agency to aid the legislative and Executive branches of the government either in meeting an emergency, or what is more important, in helping to establish a permanent housing policy for the State. Such a policy does not necessarily mean the building of houses by the State, but it does mean the establishment of housing standards and of local development that should underlie any future growth of the cities of this State.

Granted that your Honorable Bodies will enact measures to meet the emergency, it is important that you recognize the challenge which these insufferable conditions raise, to establish agencies for providing an enlightened and constantly developing housing policy for the future.

To this end I recommend a law which will create in each community having a population of over ten thousand a local housing board, which shall be charged with the duty of finding a solution for the local housing situation. These local boards should be required to prepare within a period to be determined by the local authorities a plan for the future development of the city and should consider local housing ordinances. A State agency should be created and the local Boards should be required to report to it at stated intervals so that there may be available at all times a body of information applicable to this subject.

The State agency, on the other hand, should first of all be directed to report to the next Legislature on a method for the development of a system of State credits for housing purposes. Through the State agency information should be made available to Local Communities that will aid them in their housing program.

These agencies, both State and Local, should be unpaid, but so far as the State agency is concerned, adequate appropriation for its expenses should be made.

This is the time for action. We are confronted with a real problem of reconstruction. Shall we remain in the dark ages of inadequate and un-American housing, endangering the health and morals of future generations of our citizenship? Or shall we go forward with the times, and enter the new era of our democracy with an enlightened interest in the fundamental needs of our cities and our citizenship for well-planned communities that serve the industrial, commercial and social needs of the people, and homes that make for a stabilized, self-respecting, wholesome family life?

If this is accomplished, the sufferings caused by the housing crisis will not be without their compensation. The permanent fruits of this emergency should be written on the record which this State has made for progressive laws affecting human needs. It takes a serious emergency to bring a realization of deficiences. The opportunity is yours to remedy them.

(Signed) ALFRED E. SMITH.

In Relation to the Transfer of the Quarantine Establishment at the Port of New York, Together with All Furniture and Equipment

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920

To the Legislature (in Extraordinary Session):

By chapter 342, Laws of 1916, a commission consisting of the Governor, Lieutenant-Governor, Attorney-General, Comptroller and State Engineer and Surveyor to negotiate with the proper authorities of the United States for the transfer of title or the surrender of the possession and use to the United States, upon the payment of such compensation as may be agreed upon, of the quarantine establishment of this State, with full power to execute and deliver to the United States deeds or other instruments to effectuate such transfer or surrender, was duly appointed.

By concurrent resolutions of the Senate and Assembly adopted on February 15, 1917, reciting that said commission had formally offered to transfer the said quarantine establishment to the United States, upon the payment by the Federal Government to the State of New York, of the sum of one million three hundred ninety-five thousand two hundred seventy-five dollars ($1,395,275), the Legislature urged the Senators and Representatives in Congress from this State to use their utmost efforts to obtain the passage of an appropriation by Congress of said sum of $1,395,275.

The Congress delayed during the period of the late World War making such appropriation but by the Sundry Civil bill for the fiscal year 1921 (Public No. 246, 66th Congress, H. R. 13,870 there

was appropriated to the Treasury Department "for the acquisition by purchase from the State of New York of the property known as the New York Quarantine Station, $1,395,275."

It appears that the said sum so agreed upon was intended to include all the furniture and equipment in connection with said station valued at about $84,275. The Act of 1916, however, does not expressly authorize the transfer of such furniture and equipment.

I, therefore, recommend to your Honorable Bodies a suitable amendment to chapter 342 of the Laws of 1916 as will expressly authorize the transfer of such furniture and equipment in connection with the transfer of said station.

(Signed) ALFRED E. SMITH.

Recommending the Enactment of Legislation to Remedy Existing Defects in the Law Providing for the Change to a Commission Form of Government of the City of Watertown, and to Provide for the Preparation of a Valid Assessment-Roll.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920.

To the Legislature (in Extraordinary Session):

I am in receipt to-day of the following letter from the city attorney of the city of Watertown:

Watertown, N. Y., September 20, 1920

HON. ALFRED E. SMITH, *Governor, Albany, New York:*

Dear Governor.— A very extraordinary situation has arisen in the City of Watertown owing to the looseness of the legislation providing for the change to a Commission Form of government.

In my opinion the assessment now proceeding for taxes next year, is void, for certain defects which I need not specify, many of which defects have arisen, as I believe, from attempt to do too much in the Commission Form of government act. It is possible that these defects might have been avoided if the former Council and the Commission had appreciated the magnitude of the task that confronted them when they began; but that was not in the nature of things.

Under these circumstances it seems to me to be the duty of the Executive and the Legislature, in view of the special meeting of the Legislature, to permit this error to be corrected by the passage of a special act.

While Watertown is a small city, the emergency is just as great as if it were one of the largest cities in the State, and if a similar situation arose in one of the larger cities I have no doubt you would call a special session of the Legislature for the purpose of meeting that, even if you had nothing else.

Some of the consequences for not passing a special act at the special session, you will pardon me for pointing out.

Besides being without money to carry on the government or adequate statutory provison for temporarily providing for their needs while a new assessment is being made pursuant to a special act passed in January, great difficulties would arise in relation to the equalization of taxes in the County and the collection of the State taxes from the City.

Appreciating these facts, the City Council of Watertown has authorized me to prepare and urge the passage of this special act.

I trust under these circumstances you will see your way clear to send an emergency message to the Legislature asking the desired relief for the City.

With great respect, I am,

Sincerely yours,

HAROLD L. HOOKER,

City Attorney of the City of Watertown.

In view of this serious situation, and upon the request of the city council and the city attorney of the city of Watertown, I recommend to your Honorable Bodies that legislation be enacted to remedy the defects now existing and to provide for the preparation of a valid assessment-roll for the city of Watertown for the coming year.

(Signed) ALFRED E. SMITH.

Recommending an Appropriation for the Construction and Equipment of an Additional Hospital to Care for Veterans of the World War

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920

To the Legislature (in Extraordinary Session):

My attention has been called to a grave situation in relation to the care and treatment of veterans of the World War who have become mentally disabled. There are 845 ex-service men and women suffering from mental disorders being cared for in State institutions. Their average age is under twenty-five, and in most cases they are suffering from the early stages of the disease; whereas the age of the average other patients in the State hospitals is above fifty-five years, and in most cases the disease is chronic.

These disabled men and women of the World War cannot receive the proper treatment under the present system. They should be segregated into one institution at the earliest possible moment, in which event, I am informed, a great majority of them may be cured.

The following communication received by me from R. G. Cholmeley Jones, director of the Bureau of War Risk Insurance of the United States Government, explains the situation in detail, viz.:

TREASURY DEPARTMENT

WASHINGTON

August 19, 1920.

HONORABLE ALFRED E. SMITH, *Governor of the State of New York, Albany, New York:*

My dear Governor.—In the Government's program for the care and treatment of its disabled veterans of the World War, much difficulty has been experienced in the securing of adequate hospital facilities. This has made it necessary for the Government to send a very large number of the sick and disabled men to private, state and county hospitals and sanatoriums.

At the present time there are about nineteen thousand disabled ex-service men and women scattered in more than a thousand hospitals throughout the United States. In New York, for instance, there were on August 1st,

reported 1850 disabled men and women in 147 hospitals. This scattering of patients in such a large number of hospitals and sanatoriums makes proper Governmental supervision of their treatment and cure most unsatisfactory not only to the government but to the patients themselves.

The problem of the case of the mentally sick veterans has proven particularly complex and difficult, and in many localities it has been found impossible to secure hospital facilities of proper construction under medical administration in conformity with the best type of modern practice.

In New York State, for example, on August 1st there were reported 845 ex-service men and women suffering from mental disorders who were being cared for in 39 hospitals and sanatoriums, including State institutions. The Government is expending at the present time about $400,000 for the care of approximately 443 patients in New York State hospitals annually. At this same rate were all the ex-service men suffering from mental and nervous disorders in New York State cared for by New York State hospitals, the Government would be expending for such cases more than $770,000 annually.

The situation as regards the care and treatment of these mental patients of the World War affects very much the World War veterans of New York State — not because the rate of insanity is higher in New York State than in other States, but because of the very large quota of troops furnished by New York State in the recent war.

It is the bounden duty of the Government so to prepare itself at the earliest possible moment that it may properly care for the mentally diseased veterans of the World War in special psychiatric hospitals. This task must be approached with a profound regard for the rights of the disabled soldier and his relatives. In the State of New York the hospitals for the insane are not charitable institutions in the strict sense of the word. yet they are so regarded by many relatives of the ex-service men, and on this account there is a little reluctance to make use of them.

Of far greater importance, however, is the fact that medically and socially the insane ex-service man presents problems far different from those for which the great institutions of your state were created and are maintained. The average age of the ex-service men in the New York State hospitals is under twenty-five years while, I am informed, the average of the other patients is above fifty-five years. The ex-service insane man is in the early stages of the disease, and therefore has a greater opportunity for recovery under suitable treatment. The civilian patients, on the other hand, in the New York State hospitals represent very largely the terminal stages of insanity. Buildings, methods of treatment, recreation, and occupation which are suitable for the treatment of the somewhat elderly and more chronic patients, are obviously not equally well adapted for young ex-soldiers.

The Government of the United States is without adequate hospital facilities in the State of New York for the reception and care of its insane beneficiaries in their State. A considerable time would of necessity elapse before the Government could construct such facilities even though it were considered wise to do so and the appropriations had been made by Congress and were now available. It therefore becomes necessary for the Government to seek the assistance of the State of New York. To this end I would invite your consideration to a plan calculated to meet the immediate emergency, at the same time making adequate provisions for the future care and treatment of the civilian patients of New York State, since in the interim the Government would have sufficient opportunity for developing its facilities for the care and treatment of the sick and disabled veterans.

If the State of New York would immediately undertake the completion of the Marcy Division of the Utica State Hospital so that it could receive these beneficiaries at a per diem rate to be agreed upon by the Government of the United States and the State of New York, the immediate problem would be greatly simplified.

I would recommend that an appropriation be secured from the Legislature of the State of New York during its forthcoming special session for the construction and equipment of a thousand-bed hospital for the insane to be located at a strategic point, and to be erected and outfitted in accordance with the best views of modern psychiatrists. Further, that the Governor be author-

ized to enter into a contract with the United States whereby the Government shall take over and operate this instittuion under lease for a term of years contingent upon Congressional appropriations.

In this way, the institution would be gradually paying for itself, the rentals constituting a credit in the Treasury of the State and upon the relinquishment of the property by the Government, the State would be in possession of a modern institution at little or no cost, which would be an excellent addition to the already admirable system of State hospitals at a time when, in all human probability, there would be a great need for such an institution by the State.

I sincerely hope you will regard this proposal as sufficiently practical to include it in your message to the special session of the State Legislature, in order that the matter may be given consideration at the earliest practical moment.

If it meets with your approval, and at such time as is convenient to you, the Surgeon General of the United States Public Health Service and I will be very glad indeed to call upon you in order that all of the important details may be gone into very thoroughly.

Sincerely yours,
R. G. CHOLMELEY-JONES,
Director.

I, therefore, recommend an appropriation for the construction and equipment of an additional hospital to take care of these disabled veterans of the World War, and I also recommend the enactment of legislation authorizing the Governor to enter into a contract with the United States Government to take over and operate such hospital.

(Signed) ALFRED E. SMITH.

Recommending Legislation to Provide for the Preparation of an Official Analytical Index of the Civil Practice Act, Surrogate's Court Act, Justice's Court Act, Court of Claims Act, and Other Civil Practice Provisions

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920

To the Legislature (in Extraordinary Session):

I respectfully call your attention to the following resolution this day adopted by the convention to consider and adopt rules in relation to civil practice, which convention was authorized by chapter 902 of the Laws of 1920:

Whereas, The Civil Practice Act, Surrogate's Court Act, Justice Court Act, Court of Claims Act, and other civil practice provisions contained in the Consolidated Laws and rules of procedure to be adopted by this Convention will become effective April 15, 1921, and no official analytical subject or section index has been prepared for such acts and rules of procedure, and

Whereas, It is of vital importance that before said acts and rules of procedure finally become effective there be provided by the State such official analytical subject and section index of said acts and rules of procedure together with tables of distribution and annotations of the derivation of the section or sections,

Now, therefore, be it resolved, That this Convention assembled does hereby petition His Excellency Alfred E. Smith, Governor of the State of New

York to recommend by message to the extraordinary session of the Legislature about to be convened the passage of an act providing for the preparation of an official analytical subject and section index of the Civil Practice Act, Surrogate's Court Act, Justice Court Act, Court of Claims Act, and other civil practice provisions contained in the Consolidated Laws and Rules of Procedure adopted by this Convention, and also the preparation of tables of distribution and annotations of the derivation of sections or parts of sections.

I recommend to your Honorable Bodies that legislation be enacted as suggested in the foregoing resolution.

(Signed) ALFRED E. SMITH.

Recommending an Amendment to the Statute so as to Place All Public Service Corporations on the Same Footing as Common Carriers, in Order that the Commission Might Suspend the Enforcement of Higher Rates Pending Hearing

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920

To the Legislature (in Extraordinary Session):

In my annual message to the Legislature, dated January 7, 1920, I called attention to the fact that whereas, under chapter 240 of the Laws of 1914, the Public Service Commission might suspend increased rates by common carriers pending hearings, the law as it now stands permits other public service corporations, including telegraph and telephone companies, steam, gas and electric companies, to increase their rates by filing a tariff to that effect upon notice of thirty days, and the higher rates may then be collected pending hearings before the Public Service Commission to determine their reasonableness. I recommended an amendment to the statute placing all public service corporations on the same footing as common carriers in order that the Commission might suspend the enforcement of the higher rate pending a hearing.

This change in the statute has been recommended by the Public Service Commission for a number of years, and I now renew my recommendation as made in my annual message dated January 7, 1920.

(Signed) ALFRED E. SMITH.

Recommending Increase in Salary of the Superintendent and Other Employees at the Bedford Reformatory in Order to Assure Efficient Management of that Institution

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920

To the Legislature (in Extraordinary Session):

The Board of Managers of the New York State Reformatory for Women at Bedford have experienced considerable difficulty in the management of that institution.

It is certified to me that it is difficult to get competent employees for the management of the institution at the salaries now fixed by law.

I, therefore, recommend that the salary of the superintendent, of the psychiatrist, of the chief clerk and the salaries of the matrons be increased in order that there may be attracted to these positions, the talent and ability required for the efficient management of the institution.

(Signed) ALFRED E. SMITH.

Transmitting Letter from the Mayor of Greater New York, also Copy of Resolutions Adopted by the Board of Estimate and Apportionment Requesting Amendment to Charter so as to Give to the City the Right to Appropriate Money for the Purchase and Operation of Buses

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920

To the Legislature (in Extraordinary Session):

I am transmitting herewith copy of a letter received by me from the Mayor of Greater New York, also copy of resolutions adopted by the Board of Estimate and Apportionment of that city. I request that they be read, and recommend that the Greater New York Charter be so amended as to give to the city the power to carry out the suggestions contained in the resolutions adopted by the Board of Estimate and Apportionment.

(Signed) ALFRED E. SMITH.

BOARD OF ESTIMATE AND APPORTIONMENT

CITY OF NEW YORK

(Cal. No. 2)

WHEREAS, Continuous, safe and cheap transportation is absolutely necessary to the people of the City of New York and to secure this the City built the present subway lines and invested a quarter of a billion dollars of the people's money; and

WHEREAS, There is now an intolerable situation existing in the Borough of Brooklyn, the Borough of Richmond, the Borough of Queens and other parts of the city due to the closing down of certain lines and strikes of employees; and

WHEREAS, The shutting down of the transit lines in the Borough of Brooklyn has resulted in great hardship, inconvenience and suffering to the travelling public and tends to a serious disruption of the business of the entire city; and

WHEREAS, The Supreme Court of the State has issued injunctions restraining the city from operating buses and has further stayed the Board of Estimate and Apportionment from appropriating a million dollars to purchase modern, up-to-date, well-ventilated and commodious passenger automobile vehicles; and

WHEREAS, Adequate transportation is as essential to the life of the people as is water which is being provided by the city; and

WHEREAS, The city is prepared to furnish adequate transportation facilities if the Legislature will give the City full and ample power;

THEREFORE, Be it resolved, that the Board of Estimate and Apportionment petition the Governor to request the Legislature at its special session on September 20, 1920, to enact such legislation as is necessary to make more definite and certain the City's right to appropriate money for the purchase of buses and the municipal operation of same; and

BE IT FURTHER RESOLVED, That the "pay-as-you-go" law be amended to exempt all bonds issued for the purchases of buses and the construction of garages; and

BE IT FURTHER RESOLVED, That a committee of the Board of Estimate and Apportionment be appointed to present these resolutions to his Excellency, the Governor of the State of New York.

A true copy of resolution adopted by the Board of estimate and apportionment, August 31, 1920.

(Signed) JOSEPH HAAG, *Secretary*.

Copy

CITY OF NEW YORK

OFFICE OF THE MAYOR

June 12, 1920.

HONORABLE ALFRED E. SMITH, *Governor of the State of New York, Albany, New York:*

My dear Governor.—The Court of Appeals today handed down a decision affecting the municipal motor bus operations in the Borough of Brooklyn, City of New York. It decided the matter on a very narrow ground and left unstated what the precise power of the City of New York is in the premises either as a matter of claimed emergency power or as a matter of power under the Home Rule Act.

The practical effect of the decision, however, is to stop the operation of these motor bus routes in Brooklyn without, however, actually adopting the ground for doing so as stated by the Appellate Division. This produces an intolerable and calamitous condition in the transit situation of the city. The realization of this result is mirrored in the action of the Appellate Division staying the operation of their own orders enjoining operation of the buses until the Court of Appeals was afforded an opportunity to act in the litigation.

The motor bus routes in question were installed primarily to subserve the convenience, comfort and interests of the traveling public. The immediate call for municipal activity was due to a disregard by the traction companies of their franchise obligations to the public. They completely abandoned in Brooklyn the operation of one through car service (Sixteenth Avenue Line) except a short stub end of the line, which, prior to its abandonment was a heavily patronized line and left the people formerly using it without any means of transit to and from their homes and places of business other than the already disgracefully overcrowded lines, threading the territory formerly served by the abandoned line. They did this with an added motive. The practical effect of the deprivation of its through facilities, was that added fare charges became necessary to travel from the points formerly served by this abandoned line either in the form of transfer charges or new added full fare charges on the lines of other companies.

A further condition that constituted the immediate necessity for installing these motor bus lines was the action of one of the companies which resulted in great public disorder, because of its exacting a second fare on Flatbush avenue in disregard of an authorized decision which held that it had no legal right to exact such a second fare. Its action resulted in outrageous assaults upon passengers (followed by criminal convictions of railroad employees), the diverting of loaded cars to dead tracks and leaving the passengers who refused to pay the second fare upon cars thus stalled, and otherwise riding roughshod over the rights of the traveling public legally entitled by contracts to through service for a five cent fare on that line. These conditions followed an over-

crowding of all the lines in Brooklyn to a point characterized by impartial observers as an "intense" overloading and causing highly brutalizing congestion of people upon its cars, especially outraging the decencies of life so far as women were concerned.

The foregoing followed upon an increasing of the congestion of the traveling public due to the installation on August 1, 1919 of 970 new transfer charge points on the surface lines in Brooklyn, and a separation on October 19, 1919, of about 60 per cent of the surface line facilities from the former B. R. T. system. This increased congestion came about by reason of passengers re-routing themselves to avoid or keep at a minimum the number of new and added five-cent fares or two-cent transfer charges to be met with in traveling to and from their homes and places of business.

Throughout the greater city there has been a duplication of these conditions. First, that of abandoned lines and breaches of contract obligation by the companies involved. Second, increasing of congestion of traffic due to the unscrambling of former systems into constituent companies. Third, the adding of all this to previously existing intense overloading. Fourth, no attempt on the part of the companies to keep pace with the increase of population in the matter of adding to the number of cars operated. This has been true particularly in the Boroughs of Manhattan and Richmond where companies have completely abandoned operation of lines in whole or in part.

All of these conditions were co-existent with demands for increased fares. The lack of justification has been demonstrated by investigations into the operations and finances of the various companies. And it has been further revealed by the operation of these motor bus lines that the people served by them can be furnished with adequate transportation on a five-cent fare basis with reasonable profit.

The dislocation and disturbance of transit conditions that will result from a complete suspension of motor bus facilities now in operation in the City of New York, is evidenced by the number of people using them. It is estimated that almost 400,000 passengers use these bus lines daily as a matter of necessity.

The need for immediate action arising because of the vast number of people whose rights and convenience are affected is revealed by the number of users and the multitudinous demands for the continuance of these motor bus lines made upon the officials of the City of New York by delegations from all parts of the city affected and through the medium of innumerable communications from similar sources, but for the further reason that conditions tending to public disorder and actually resulting in public disorder cannot be permitted to again spring into being.

Making grants of franchises to private operators in an endeavor to procure adequate and proper transit facilities through privately owned companies exercising these franchises has been a failure. That method of solving the problem, present and past experience demonstrates to be insufficient. Attempting to use that method of solving the problem results in the undesirable division of responsibility between State officials and City officials. The problem is exclusively a local one. It concerns exclusively the local people and the local officials whom they elected to serve them and whom as a practical fact they hold responsible.

I have studied the transit situation in this city and in the course thereof have found that the greatest obstacle in the way of proper transit facilities in this city has been due to the franchises which have been held by corporations destitute of any desire or intention to perform their contract obligations to furnish adequate service to the people from whom they have received their grants in the City of New York. After careful thought I have come to the conclusion that the only effective way to proceed in the future development of transit in this city is to proceed along municipal ownership and operation of lines, particularly of motor bus lines.

With all these facts brought specifically to its attention, it is unthinkable that the Legislature will withhold the needed power in the municipality to prevent a recurrence of the foregoing conditions that the stopping of the bus lines will give rise to.

I am constrained, therefore, to call upon you to end the doubt as to the City's power and to convene the Legislature at the earliest time possible under the Constitution and request it to enact a specific statute authorizing the City of New York to municipally own and operate motor bus lines generally in such parts of the City as there is necessity therefor.

Yours respectfully,

(Signed) JOHN F. HYLAN, *Mayor.*

Recommending Amendment to Finance Law so as to Permit Sale of Temporary Notes at the Lowest Rate of Interest Obtainable

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920

To the Legislature (in Extraordinary Session):

I am in receipt of a letter from the Honorable Eugene M. Travis, State Comptroller, of which the following is a copy:

September 20, 1920.

Hon. ALFRED E. SMITH, *Governor, State of New York, Executive Chamber, Albany, N. Y.:*

My Dear Governor.— I respectfully call your attention to the enclosed bill amending section 14 of the State Finance Law, and would urge that you submit it to the extra session of the Legislature with the recommendation that it be passed for the following reasons:

Under the law, as it now stands, the Comptroller can only issue temporary notes, in anticipation of the sale of bonds, at a rate of interest not to exceed 5 per cent. This amendment authorizes these notes to be issued at the least rate obtainable. The funds derived from the sale of Barge Canal Terminal and Highway bonds have become exhausted, and for several months it has been necessary to finance the estimates payable on contracts in force from the proceeds of temporary loans issued in anticipation of the sale of long term bonds authorized by the referendums. Over $4,000,000.00 of such loans have been taken by the sinking and trust funds of the State, as authorized by law, but all of the cash in these funds has now been borrowed and it will be necessary for the Comptroller to sell these notes in the open market to provide the necessary money to meet these payments.

The best judgment of prominent financiers is that it would be impossible for the State to sell long term bonds at par at 4½ per cent under the present condition of the money market and that it would be for the best interests of the State that short term notes be sold until such time as the permanent bonds can be disposed of.

At it would be impossible to sell these short term notes to bear 5 per cent interest, the rate now authorized by law, it is important that this amendment be passed at this session of the Legislature.

Very truly yours,

EUGENE M. TRAVIS, *Comptroller.*

By J. A. WENDELL, *Deputy Comptroller.*

I recommend that section 14 of the State Finance Law be amended to permit the sale of temporary notes at the lowest rate of interest obtainable, as suggested by the Comptroller in the foregoing communication.

(Signed) ALFRED E. SMITH.

Recommending Amendment to Greater New York Charter so as to Provide Adequate School Accommodations; also to Authorize the Amount of $12,000,000 for Payment of Extraordinary Expenses Due to Increased Cost of Materials and Supplies

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, September 20, 1920

To the Legislature (in Extraordinary Session):

I am in receipt of a letter from the President of the Board of Education of the City of New York, the Superintendent of Schools and the Corporation Counsel of the City of New York in relation to the construction of schools for school purposes, a copy of which is as follows:

September 20, 1920.

To the Governor:

There is an acute situation with respect to the number of school sittings in the city of New York. There has been congestion for a number of years which resulted in the adoption of what is called the "part time" system of schooling, and as a supplementary measure the adoption of what is called the "double session" plan. Both of these plans, "part time," and "double session," mean that one school sitting must accommodate two children.

There are at present in our schools 86,277 children on part time. There are also over 140,000 children on the double session plan. Approximately it would take 50 buildings, housing 2,000 children each, to remedy the situation, and at a cost of $50,000,000.

The unprecedented registration of this fall of over 18,638 increase is a sign of a greater congestion in the future if this emergency is not recognized.

Moreover, the passage of the continuation school law of 1919 (Chapter 531 of the Laws of 1919) makes it mandatory on the part of the city of New York to provide accommodation for 200,000 employed children within the next few years.

The buildings for the accommodation of these children must be begun at once if the provisions of that statute are to be complied with by the city. Building operations of a magnitude sufficient to cope with this situation cannot be undertaken unless the restrictions imposed by the "pay as you go" policy are removed.

(Signed) ANNING S. PRALL,
President, Board of Education.

(Signed) WILLIAM L. ETTINGER,
Superintendent of Schools, City and School Districts of New York.

(Signed) JOHN P. O'BRIEN,
Corporation Counsel.

I recommend an amendment to the Greater New York Charter that will except the erection of school buildings and the acquisition of sites for the same from the provisions of subdivision 9 of section 1669 of the Greater New York Charter.

I also call your attention to a recommendation of the Corporation Counsel of the City of New York asking for an amendment to subdivision 8 of section 188 of the Greater New York Charter, and recommend that such an amendment be passed:

September 20, 1920.

To the Governor:

At the first session of the Legislature of 1920, by the provisions of chapter 729 of the Laws of 1920, subdivision 8, section 188 of the Greater New York Charter was amended so as to provide that, in the year 1920, $7,000,000 of special revenue bonds might be issued to provide for the payment of expenses authorized by the concurrent vote of all of the members of the Board of Estimate and three-fourths of all of the Members of the Board of Aldermen. The $5,000,000 thus authorized in addition to the regular Charter provision was thought sufficient to meet and provide for the payment of all of the additional expenses made necessary by the increased cost of living and supplies due to the war. Since that bill has taken effect it has been found that the amount authorized is far too little to meet the extraordinary expenses which have become necessary for the balance of the year 1920 in the administration of the various departments of the City of New York. So that, out of the aforesaid conditions, there are deficits confronting the municipal administration of the various departments, which, if not supplied at once, will result in a condition where some of the departments may cease to function. This will create a deplorable situation, particularly in the Ambulance Service, which must have an additional $30,000; the Child Welfare Department which must have $450,000; the Health Department which lacks $171,189; the Bellevue and Allied Hospitals which need $149,731; the Fire Department which needs $96,000; the Public Welfare Department which needs $202,500, and the Street Cleaning Department which must have $1,015,000. These are a few of the largest and most pressing needs which must be met before the close of 1920.

Added to the foregoing demands are the care of highways and public places and various unforeseen expenses in the office of the Borough Presidents, which will consume amounts at the present time unknown but which will amount in the aggregate to a large sum of money.

These expenses are due to the increased cost of materials and supplies, and are to a considerable extent due to legislation passed at the 1919 session of the Legislature. They were unknown and unforeseen when such legislation was passed and when the amendment to subdivision 8, section 188 of the Greater New York Charter was adopted by the present session of the Legislature. Otherwise a sufficient sum would have been set forth in the aforesaid amendment of 1920.

In the light of the information in the hands of the Finance Department at the time of the amendment of 1920 to section 188 of the Greater New York Charter was adopted by the present Legislature, the $5,000,000 increase was considered ample to meet all demands, but that sum has now been used up and another $5,000,000 very nearly consumed in necessary expenses, and extraordinary expenditures for the coming year.

Hence, on account of the emergency now existing, it is asked that a further amendment to subdivision 8, section 188 of the Greater New York Charter be passed by the Extraordinary Session of the Legislature, authorizing for the year 1920 the amount of $12,000,000 to provide for the payment of expenses to be authorized by the unanimous action of the Board of Estimate and concurred in by three-fourths of all of the members of the Board of Aldermen.

(Signed) JOHN P. O'BRIEN,
Corporation Counsel of the City of New York.

(Signed) ALFRED E. SMITH.

III

PART I

VETO MESSAGES

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III

PART I

VETO MESSAGES

Statement of Items Objected to Contained in Bill Making Appropriations for Emergencies and Supplying Deficiencies in Former Appropriations

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 4, 1920

NOT APPROVED.

To the Senate:

The following items contained in Senate Bill, Int. No. 335, Printed No. 346, entitled "An Act making appropriations for emergencies for the current fiscal year, supplying deficiencies in former appropriations, and other expenses of government," are hereby objected to and not approved for the reasons hereinafter stated, to wit:

REGULATIVE

EXCISE DEPARTMENT

I disapprove items in this Department as being unnecessary for the conduct of its business for the three months for which appropriation is made.

At the last session of the Legislature appropriations were made for the Department of Excise up to and including the month of March, 1920. Now that the Federal amendment is in full force and effect, the question arises as to the regulation by this State of a liquor traffic. There exists now no such traffic, and, therefore, there can be no justification for the expenditure of the money of the State for the regulation of a business now prohibited by Federal amendment; only such expenditures as are necessary for this Department to close its affairs, make the rebates on liquor tax certificates as required by law, collect the balance of the volume tax, issue such certificates as are permitted by Federal statute to pharmacists and such others, if there be any, as are permitted to continue in the traffic of liquor.

The deficiency bill presented to me carries, to my mind, more positions than are required for the termination of the business of this Department. Provision is made in the bill for nine attorneys. There seems to be no reason for the employment within the Department of nine lawyers. It is urged that there are pending several actions to recover bonds and other penalties. This work might well be done by the Attorney-General or by a small appropriation in the general

appropriation bill that would permit the Excise Commissioner to retain attorneys in the localities where the suits are pending. That could be done for what it would cost to pay the travelling expenses of a regular attorney from Albany to the different county seats. I have left in the bill one attorney as an advisor to the Commissioner. I can see no necessity for the remaining positions.

I disapprove items for special agents and detectives. I am informed that they have been used in the past for running down complaints of the illegal sales, to-wit: sales made from premises not certificated. That may have been all right when the State was regulating the traffic. Now, that it is entirely prohibited, that prohibition should be enforced either by the Federal Government or by local authority. Complaints hereafter received at the office of the Excise Commissioner might well be forwarded to the sheriff, district attorney or chief of police in the locality where the complaint arises. It would be the very height of nonsense to assume that forty-eight men could do anything toward the enforcement of the prohibition amendment, even if it were conceded to be the policy of the State to enforce it by employees of the State itself.

While we are asking the people of the State to make direct contribution by means of an income tax for the maintenance of the government of the State, we must do what we reasonably can to make that burden light, and it will be extremely unfair to leave upon the payroll useless and unnecessary employees.

I find by a reading of the Excise Law that in sixteen counties of the State there has been created by statute a special deputy commissioner for the collection of liquor taxes and the issuance of certificates within the county. These are statutory places and the amount of business to be transacted, however small, must be transacted under the law by these agents. I approve the positions in the bill because the law requires that certificates be issued and tax collected through these agencies.

I recommend that legislation be speedily enacted designating the county treasurer in these sixteen counties, as in all other counties, the agent of the State for the transaction of this business to the end that the money here appropriated may not be entirely expended.

In the different county offices I have disapproved provision for their assistants because the work is so reduced that I am firmly of the belief that the special deputy commissioner himself can attend to it.

Page 3:

"Confidential clerk"..... $812 50

This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Accountant and statistician"..... 625 00

This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Accountant or bookkeeper"..... 550 00

This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Accountant"..... 500 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Attorney, 5 at $1,250"..... 6,250 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Attorney"..... 1,000 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Attorney"..... 875 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Attorney"..... 750 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Stenographer and attorney"..... 525 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

Page 4:

"Bank messenger"..... 375 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Special agent, 35 at $450"..... 15,750 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Special agent"..... 375 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Special agent"..... 312 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Special agent, 4 at $250"..... 1,000 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Detective, 7 at $395"..... 2,765 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Stenographer, 8 at $300"..... 2,400 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

"Cashier"..... 437 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

Page 5:

"First assistant cashier"..... 312 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

" Clerk, 2 at $225..... 450 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Clerk, 2 at $187.50 "..... 375 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 150 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 187 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
"Auditor "..... 300 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 250 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 437 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 150 00
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

Page 6:
" Cashier "..... 112 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 112 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 187 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 112 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.
" Cashier "..... 187 50
This item is disapproved because of the reasons given in the statement above and is deemed unnecessary.

DEFENSIVE

NEW YORK STATE WOMEN'S LAND ARMY, INC.

Page 15:
" For expenses incurred by the New York State Women's Land Army, Incorporated, to be paid by the State Treasurer on the warrant and audit

of the Comptroller upon vouchers approved by the Chairman of the Board of Directors of the New York State Women's Land Army, Incorporated, sixteen thousand two hundred and seventy dollars and twenty cents, such moneys to be refunded to the State treasury when collected from the United States Government"... 16,270 00

This item is disapproved because in my opinion it is in violation of section 9 of article VIII of the Constitution, which provides: "Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. * * *"

The New York State Women's Land Army, Inc., is a membership corporation organized under the laws of New York State and conducted its business as such a corporation. Such encouragement as it had came entirely from the Federal Government, and the State cannot legally assume its obligations.

CURATIVE

MANHATTAN STATE HOSPITAL

Page 22:

Administration:

"First assistant physician at $2,600 (four months)" 866 67

This item is disapproved because I have been advised by the State Hospital Commission that it is unnecessary.

(Signed) ALFRED E. SMITH.

To Amend the Election Law so as to Permit Change of Enrollment by Voter Moving from One Election District to Another, Excepting the County of New York

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 15, 1920

To the Assembly:

I return herewith, without my approval, Assembly bill, Int. No. 124, Printed No. 1108, entitled:

"AN ACT to amend the election law, in relation to special enrollment after moving."

Under the present Election Law, a voter moving from one election district to another election district in the same assembly district may have his enrollment changed so as to be able to participate in the primaries. This provision is uniform throughout the State.

This bill would permit a voter moving from one election district to another election district in the same county to change his enrollment, except in the county of New York.

I can see no reason for this discrimination. If it is desirable to enlarge the unit from the assembly district to the county in one part of the State, it should be equally desirable in the other parts of the State.

I am opposed to discriminatory legislation of this character, and, therefore, return the bill without my approval.

(Signed) ALFRED E. SMITH.

To Amend the Public Buildings Law so as to Include for Admission to the Soldiers and Sailors' Home All Soldiers, Sailors and Marines Who Participated in the Late War

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 15, 1920

To the Assembly:

I return herewith, without my approval, Assembly bill, Int. No. 464, Printed No. 492, entitled:

> "AN ACT to amend the public buildings law, in relation to persons entitled to admission in the New York Soldiers and Sailors' Home."

Last year I disapproved a bill similar to this for the reason, among others, that it was confined to men who had enlisted in the service. The present bill has no such limitation, but is designed to include all soldiers, sailors and marines who participated in the late war.

It is to my mind, however, open to the very serious objection of admitting these men to a really custodial institution of this kind, which has no facilities for vocational or other educational training. The Soldiers and Sailors' Home at Bath was first established in 1876 by a corporation known as The Grand Army of the Republic Soldiers' Home of New York, and became a State institution by virtue of chapter 48 of the Laws of 1878, and was designed for the care of disabled veterans of the Civil War. During all of these years there has been no attempt on the part of the State to establish at this institution any system tending to enable the inmates to obtain any vocational or other educational training. The present inmates, with the exception of a few Spanish-American War veterans, are old men, veterans of the Civil War, most of whom are beyond the age at which they could be benefited by any educational training. The men disabled in the late war are young men, and most of them, with proper training and education, would be enabled to become more or less self-supporting.

I believe that some method should be devised to extend to these young men proper training to enable them to become self-supporting as far as possible, rather than to permit them to become inmates of an institution such as the Soldiers and Sailors' Home. Much time and energy is being expended toward the adoption of some method of developing these disabled men into useful, self-supporting and self-respecting citizens, and at present I am opposed to their admission to State custodial institutions.

I believe that it is almost an insult to these young men for the State of New York to say that, in return for the sacrifices they have made, they should be admitted to a custodial institution rather than to be provided with the means of restoration to useful and self-respecting citizenship.

I, therefore, return this bill disapproved.

(Signed) ALFRED E. SMITH.

To Change the Corporate Name of the Orphan Asylum Society in the City of Utica

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 25, 1920

To the Assembly:

Memorandum filed with Assembly bill, Int. No. 553, Printed No. 590, entitled:

"AN ACT to amend chapter fifty-five of the laws of eighteen hundred and fifty-six, entitled 'An Act to revive and amend the act to incorporate the Orphan Asylum Society in the city of Utica,' in relation to corporate name."

NOT APPROVED:

This bill is entirely unnecessary. It seeks to change the name of an existing corporation.

The same purpose can be accomplished under the provisions of the General Corporation Law, by an application to the court, and this bill would only tend to lumber up the statute books and it is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Conservation Law so as to Create Special Open Season for Certain Birds in Town of Red Hook, Dutchess County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 6, 1920

To the Assembly:

Memorandum filed with Assembly bill, Int. No. 474, Printed No. 502, entitled:

"AN ACT to amend the conservation law, in relation to the taking of sora and other rails in the town of Red Hook, Dutchess county."

NOT APPROVED:

This bill seeks to create a special open season for certain birds in the town of Red Hook in the county of Dutchess.

This would be eminently unfair to sportsmen generally who might not be familiar with a special act referring to a special locality, such as one town in the county of Dutchess.

The bill is opposed by the Conservation Commission, and I am opposed to such special legislation and it is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend Law in Relation to Court of Special Sessions of the City of Syracuse

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 6, 1920

To the Senate:

Memorandum filed with Senate bill, Int. No. 486, Printed No. 520, entitled:

"AN ACT to amend chapter six hundred and seventy-six of the laws of nineteen hundred and ten, entitled 'An Act to establish the court of special sessions of the city of Syracuse, defining its powers and jurisdiction, and providing for its officers,' generally."

NOT APPROVED:

This bill is identical with Assembly bill, Int. No. 605, Printed No. 651, which has already been approved.

It is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Provide for Preservation of Memorial Certificates to Parents or Next of Kin of Those Who Served in the Late War

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 10, 1920

To the Assembly:

Memorandum filed with Assembly bill, Int. No. 304, Printed No. 323, entitled:

"AN ACT to provide for the presentation of a proper memorial certificate to the parents or next of kin of a resident of this state who died while in the army, navy or marine service of the United States in the world war."

NOT APPROVED:

This bill provides that the Secretary of State shall, from lists furnished him by the Adjutant-General, forward to the parents or next of kin of persons who died in the army, navy or marine service of the United States in the world war, memorial certificates testifying to the service rendered by such persons.

The bill, in its present form, is unworkable for the reason that it requires the Secretary of State to perform duties and furnish certificates, but makes no appropriation for carrying out its purposes.

The Adjutant-General informs me that no such lists are available at present, that such lists will have to be furnished by the War and Navy Departments at Washington and will probably not be available for a year, and, in my opinion, if such certificates are to be sent to the parents or next of kin of deceased soldiers, sailors and marines, they should be sent by the Adjutant-General and not by the Secretary of State.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

Statement of Items of Appropriation Objected to, Contained in the Annual Appropriation Bill

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 12, 1920

To the Assembly:

Statement of items of appropriation objected to and not approved, contained in Assembly bill, Int. No. 1265, Printed No. 1490, entitled:

"AN ACT making appropriations for the support of government."

The bill, as presented on March 31, 1920, contained various items of appropriation totaling $75,007,363.66. I have examined the various items contained in the bill and have eliminated therefrom certain items to which I object. The total of these items amount to $844,190.03. The reasons for my objections are stated in the memorandum attached herewith.

NOT APPROVED.

The following items, contained in Assembly bill, Int. No. 1265, Printed No. 1490, entitled "An Act making appropriations for the support of government," are hereby objected to and not approved for the reasons hereinafter stated, to-wit:

ADMINISTRATIVE

SECRETARY OF STATE

Page 7:

"Laborer, 40 at $1,200"..... $48,000 00

This item is disapproved for the reason that I am unable to understand what operation in the office of the Secretary of State would require the services of forty laborers all the year round. If they are engaged in any other line of work but laboring, appointments should be made from appropriate civil service lists.

Page 8:

"Temporary services, main"..... 11,500 00

This item is disapproved for the reason that I believe there are sufficient employees in the office of the Secretary of State to transact all of its business.

STATE COMPTROLLER

Page 10:

"Supervising examiner (private bank bureau)..... 3,500 00

This item is disapproved for the reason that no private bank bureau exists in the office of the State Comptroller, and I am unable to understand why there should be a supervising examiner for a bureau that does not exist.

Page 23:

"Temporary services for entire bureau"..... 15,000 00

This item is disapproved because I believe that the personal service allowed the State Comptroller for the collection of the income tax is sufficient.

Page 24:

"Contingencies to be used generally for any purpose, except personal service, necessary for the proper administration of article 16 of the tax law"..... 25,000 00

This item is disapproved because I am unable to imagine any contingency that could arise not already provided for.

LEGISLATIVE

BILL DRAFTING COMMISSION

Page 44:

"Associate counsel, 3 at $3,000"..... 9,000 00

This item is disapproved because an additional position has been created and the item was added to two existing positions. The new position was not requested by the Bill Drafting Commission and is not necessary.

LEGISLATIVE LIBRARY

Page 45:

"Temporary services"..... 500 00

This item is disapproved for the reason that no request was made for this amount and this office is without information regarding it.

AGRICULTURAL

DEPARTMENT OF FARMS AND MARKETS COUNCIL

Page 142:

"Stenographer (to counsel)"..... 1,200 00

This item is disapproved because it creates a new and unnecessary position.

DIVISION OF AGRICULTURE

Page 143:

"Veterinarian, 4 at $1,800"..... 7,200 00

This item is disapproved because it creates four additional, and to my mind, unnecessary positions, not only because of the number of permanent positions, but because of the increase in the item of salaries temporary for veterinarians.

Page 145:

"Inspector (dog license), 4 at $1,500"..... 6,000 00

This item is disapproved because it creates new and unnecessary positions.

Page 145:

"Filing clerk" 840 00

This item is disapproved because it creates a new and unnecessary position.

Page 146:

"Stenographer, 2 at $840"..... 1,680 00

This item is disapproved because it creates two new and unnecessary positions.

DIVISION OF FOODS AND MARKETS

Page 150:

"Produce market reporter, 2 at $1,800"..... 3,600 00

This item is disapproved because it creates two new and unnecessary positions.

Page 150:

"Market inspector, 3 at $1,800"..... 5,400 00

This item is disapproved because it creates three new and unnecessary positions.

Page 150:

"Investigator and appraiser (license bureau")..... 2,500 00

This item is disapproved because it creates a new and unnecessary position.

Page 151:

"Bacteriologist" 2,000 00

This item is disapproved because it creates a new and unnecessary position. Work along this line can well be done at the State laboratory.

Page 151:

"Stenographer" 900 00

This item is disapproved because it creates a new and unnecessary position.

Page 151:

"Stenographer and clerk"..... 1,200 00

This item is disapproved because it creates a new and unnecessary position.

Page 151:

"Mimeograph operator and messenger"..... 1,020 00

This item is disapproved because it creates a new and unnecessary position.

Page 151:

"Temporary services" 2,500 00

This item is disapproved because I can see no need for temporary services. The department has abundant help.

CHARITABLE

NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED AND DEFORMED CHILDREN, WEST HAVERSTRAW

Page 369:

"Resident surgeon and assistant superintendent".. 3,000 00

This item is disapproved for the reason that I am informed by a representative of the board of managers that the position is not necessary.

PROTECTIVE

LAND OFFICE

Page 386:

"Appraiser, 3 at $3,600"..... 10,800 00

This item is disapproved. I am satisfied that the amount of work performed by the three officials mentioned in this item is not sufficient to warrant carrying them by the year at this salary. I am of the opinion that economy could be effected by per diem payments for services actually rendered.

PART II

LEGISLATIVE

LEGISLATIVE LIBRARY

Page 442:

"For the legislative librarian for continuing the preparation of an annotated edition of the papers and messages of the governor from the year 1907 to the year 1920 inclusive along the plan followed in the compilation of the governor's papers from the colonial assembly of 1683 in the year 1906. Payments for the sum

hereby appropriated shall be made on the order of the speaker of the assembly and the warrant of the comptroller" 5,000 00

This item is disapproved because it provides for a duplication of work already done by the State.

REGULATIVE

PUBLIC SERVICE COMMISSION, FIRST DISTRICT

Page 450:

"For payment to Frederick Law Olmstead, landscape architect, for professional services rendered to the public service commission of the first district and the board of estimate and apportionment, in connection with the West Side Tract Improvement of the New York Central Railroad" 887 70

This item is disapproved for the reason that it was not requested by the Public Service Commission and I have no facts supporting the item.

STATE TAX DEPARTMENT

Page 451:

"Maintenance undistributed

"For the preparation, compilation, printing and binding of the manual for the instruction of assessors, and to pay for the services of Walter H. Knapp, in connection therewith" 2,500 00

This item is disapproved because it was not requested by the State Tax Department and I have no data in my office supporting the item.

EDUCATIONAL

EDUCATION DEPARTMENT

Page 453:

"For purchase and distribution of court reports to judges and libraries by the state library" 2,000 00

This item is disapproved as it was not contained in the requests made by the Department of Education, and that department apparently knows nothing about it.

AGRICULTURE

DIVISION OF AGRICULTURE

Page 458:

"Services and expenses for extermination of foul brood in bees" 10,000 00

This item is disapproved because no request was presented for the item in the original budget request and the data that has been supplied me does not warrant my approval.

DIVISION OF FOODS AND MARKETS

Page 458:

"Temporary services"..... 3,000 00

This item is disapproved because this department has abundant regular help.

DEFENSIVE

ARMORY COMMISSION

Page 461:

"To reimburse the county of Franklin for a dwelling house, situated upon lands transferred to the state for armory purposes, by said county at Malone, N. Y., pursuant to section 185, military law"..... 665 00

This item is disapproved because it was not contained in the request of the Armory Commission and no explanation has been presented in the executive office.

MILITARY TRAINING COMMISSION—

FIELD TRAINING

Page 462:

"Camps for instruction: For the expenses of establishing camps of instruction for field training and practical instruction; for supplies, transportation, equipment and installation thereof and of which not more than $35,000 shall be available for personal service"..... 115,000 00

This item is disapproved because the explanation accompanying the request is insufficient. There are no details as to the number of boys that can be cared for. Further, that the allowance of $35,000 for personal service without segregation is highly objectionable.

PENAL

SING SING PRISON

Page 463:

"For payment to J. E. Connaughton for balance due him for services rendered as correspondence censor in years 1916–1917 and 1917–1918".... 600 00

"For payment to Benjamin J. Piesler for balance due him for services as hallkeeper in the years 1916–1917 and 1917–1918"..... 600 00

"For payment to L. Beaulieu for balance due him for services rendered as kitchen helper in the year 1916–1917"..... 300 00

The above items are disapproved because I consider them improper allowances, in view of the appropriations made by the Legislature in those respective years.

CHARITABLE

ROME STATE SCHOOL FOR MENTAL DEFECTIVES, ROME

Page 468:

"For payment to Arthur S. Evans for services rendered and expenses incurred in defending Dr. Charles Bernstein, superintendent of Rome State Custodial Asylum, of charges preferred against said Dr. Charles Bernstein in the year 1918" 500 00

This item is disapproved, as no request was made to the executive office and I have no data supporting it.

PROTECTIVE

CONSERVATION COMMISSION

Page 470:

"For George A. Raux, reimbursement because of payment by him to the state for the cutting of timber and in full satisfaction for alleged trespass or other claims against the state of New York" 625 00

This item is disapproved because no request was made to the executive office and I have no data supporting it.

Page 470–471:

"For payment to George D. Pratt of costs paid by him pursuant to judgments for costs entered against him on the 5th day of April, 1918, and the 10th day of January, 1920, respectively, in an action commenced in the supreme court, Saratoga county, by the Saratoga State Waters Corporation against George D. Pratt to enjoin him from interfering with its occupancy and possession of certain property of the State Reservation at Saratoga Springs, N. Y."..... 875 41

This item is disapproved as no request was made to the executive office, and I have no data supporting it.

CONSTRUCTIVE

DEPARTMENT OF HIGHWAYS

Page 474:

"For payment to Leigh Roberts for expenses and disbursements incurred by him in successfully defending charges brought against him for his conduct as assistant engineer of the State Highway Commission, payable upon the approval of the Attorney-General" 3,115 42

This item is disapproved upon the recommendation of the Department of Highways, which holds that nothing in the facts connected with this man's case justifies this payment by the State.

GENERAL

BANKING DEPARTMENT

Page 474:

"For publication in the cities of Albany and New York of lists of unclaimed deposits, in accordance with the provisions of section 46 of the banking law" $15,000 00

This item is disapproved because it was not requested by the Department and this office is without information concerning it.

CANAL FUND

SUPERINTENDENT OF PUBLIC WORKS

Page 476:

"For payment to the Eastover Construction Company for expenses incurred in the two actions against that company for alleged trespass near the village of Canisteo, in connection with said company's work on contract for improvement of Canisteo river, entered into on or about the 18th day of October, 1915, with the State of New York through the department of public works" 830 58

The item is disapproved as the explanation presented to me does not convince me as to the State's liability.

Page 476:

"For payment to Syracuse Lighting Company for electric service, various bridges, repair shop and canal office, Syracuse, New York, 1913 to 1918, inclusive, after approval by the superintendent of public works and the audit of the comptroller" 3,200 92

This item is disapproved as the explanation presented to me does not convince me as to the State's liability.

CAPITAL FUND — SARATOGA SPRINGS DIVISION

Page 477:

"Laborers" $3,000 00

This item is disapproved as it was not requested by the Conservation Commissioner and there is no explanation of the item in the executive office.

PART III
AGRICULTURAL

NEW YORK STATE SCHOOL OF AGRICULTURE AND DOMESTIC SCIENCE AT DELHI

Page 482:

"Hog and calf barn"..... 3,500 00

This item is disapproved because it has been certified to me that the sum of $2,500 was sufficient to perform this work. I will accept the item in a supplemental bill if returned to me at the sum of $2,500.

CURATIVE

MANHATTAN STATE HOSPITAL

Page 493:

"Garbage disposal receptacles"..... 1,000 00

This item is disapproved because sufficient funds have been provided from the Maintenance and Operation portion of the Hospital appropriations in Part I of this bill.

Page 493:

"Shade trees and shrubbery"..... 1,500 00

This item is disapproved because sufficient funds have been provided from the Maintenance and Operation portion of the Hospital appropriations in Part I of this bill.

HOSPITAL DEVELOPMENT COMMISSION

Page 497:

"For survey and development of plans and studies by state architect and the state engineer of all service connections and condition thereof at Manhattan State Hospital, the sum of fifteen thousand dollars ($15,000), the disbursement of which to be in accordance with the provisions of chapter 238, Laws 1917"..... 15,000 00

This item is disapproved because funds are provided in the appropriations for the State Architect and for the State Engineer to make the proper survey, development of plans and studies required by this appropriation.

CHARITABLE

WESTERN HOUSE OF REFUGE FOR WOMEN, ALBION

Page 498:

"Interior telephone system"..... 1,600 00

This item is disapproved because I deem it unnecessary, as there already exists a telephone system at this institution.

PROTECTIVE

CONSERVATION COMMISSION

Page 503:

"New boat" 6,300 00

This item is disapproved for the reason that it was not contained in the original requests made by the department, and I have no data before me as to the necessity.

Page 504:

"For the purpose of constructing a highway to improve the State land at King's Point in the St. Lawrence reservation and to connect the same with the public highway, the connecting highway to be built upon the right of way conveyed by George Kring to the people of the State of New York in the year 1908. Said work may be performed by the Commission or by contracts made by them with county or town highways authorities" 5,000 00

This item is disapproved because it was not requested by the Conservation Commission in its original budget, and the executive office is without any knowledge regarding it.

CONSERVATION COMMISSION — SARATOGA SPRINGS DIVISION

Page 505:

"For the collection of data, the construction of a model, soil survey, borings and test pits, the preparation of models, plans and specifications by the state architect for bath house and dependencies based upon a prospective cost of one million dollars for construction" 15,000 00

This item is disapproved for the reason that it was not contained in the original requests of the Conservation Commission.

SIR WILLIAM JOHNSON MANSION

Page 505:

"Removing wing from mansion" 2,000 00

This item is disapproved because it is unnecessary.

LAKE GEORGE BATTLEGROUND PARK

Page 505:

Extension of lighting system" 250 00

This item is disapproved because it is unnecessary.

SCHUYLER MANSION

Page 506:

"Wall on south and west sides of property"..... 8,500 00

This item is disapproved because I am informed that there is no immediate necessity for the erection of this wall and that the property will not suffer deterioration, due to the elimination of this item.

WATKINS GLEN RESERVATION

Page 506:

"Tool house and dependencies"..... 1,500 00

This item is disapproved because I deem it unnecessary.

SUPERINTENDENT OF PUBLIC WORKS

Page 506:

"For the construction of a new bridge over Wappinger creek at New Hamburg, Dutchess county"..... 35,000 00

This item is disapproved because I believe that items of this nature should be presented in the thirty day bill period, that proper consideration may be given as to the necessity for the State entering upon the project and at a time when the revenues of the State and the means of raising additional revenues have been fully determined.

CANAL FUND

SUPERINTENDENT OF PUBLIC WORKS

Construction or Permanent Betterments

Page 507:

"For the improvement and repair of highway bridge and approaches at the head of Cazenovia lake, Madison county"..... 6,000 00

Page 507:

"For the construction of new bridges:
"Over the retained section of the unimproved Champlain canal at Broad street, Waterford".. 25,000 00

Page 508:

"Over the retained section of the unimproved Champlain canal at East street, Fort Edward" 35,000 00
"Over the retained section of the unimproved Champlain canal at Notre Dame street, Fort Edward"..... 37,000 00
"Over the Glens Falls feeder at Pearl street, Hudson Falls, near lock No. 13"..... 37,000 00

"Over the Glens Falls feeder on highway between Glens Falls and Hudson Falls to take the place of structure known as feeder bridge No. 8"..	50,000	00
"Over the Black River canal in the town of Western, Oneida county, to take the place of existing structure known as Hillside change bridge"	40,000	00
"Over the Black River canal in the town of Boonville, Oneida county, to take the place of existing structure known as Diefendorf or Tharatt bridge"	35,000	00
"Over the Black River canal in the town of Boonville, Oneida county, to take the place of existing structure known as Baker bridge".....	35,000	00
"Over the Black River canal in the town of Western, Oneida county, to take the place of existing structure known as Hall farm bridge"	35,000	00
"Over the Black River canal at Main street in the village of Port Leyden, Lewis county".....	33,000	00

Page 509:

"Over the Black River canal at Stanwix street, Rome"	25,000	00
"Over the Cayuga and Seneca canal (unimproved) at Virginia street, Waterloo".....	28,000	00

The foregoing items are disapproved because I believe that items of this nature should be presented in the thirty day bill period, that proper consideration may be given as to the necessity for the State entering upon the project, and at a time when the revenues of the State and the means of raising additional revenues have been fully determined.

PART V

AGRICULTURAL

DEPARTMENT OF FARMS AND MARKETS — DIVISION OF AGRICULTURE

Page 548:

"By chapter 168 of the Laws of 1918, for:
"National milk and dairy farm exposition (re. $6,493.23)."

This item is disapproved because I am advised by the representative of the department that there exist no liabilities for this item.

(Signed) ALFRED E. SMITH.

To Amend the General Municipal Law so as to Make it a Misdemeanor to Disclose Names of Holders of Registered Bonds or to Permit of the Copying or Listing of Names of Such Bondholders, Except upon Court Order

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 15, 1920

To the Senate:

I return herewith, without my approval, Senate bill, Int. No. 235, Printed No. 237, entitled:

"AN ACT to amend the general municipal law, in relation to registry of municipal bonds."

NOT APPROVED.

This bill seeks to make it a misdemeanor for any clerk of any municipal corporation, or controller, or other officer in whose office the book or books in which bonds are registered and kept, or any deputy or employees in such office, to disclose the names of the holders of such bonds so registered, or any of them, or to authorize or permit any person or persons, other than the officials of the municipal corporation or the State Comptroller's office, to inspect, copy or make a list of such names or any part thereof, except upon an order of the court.

The effect of this bill would be to make criminal upon the taking effect of this bill an act which heretofore was entirely permissible and of very common occurrence, and it provides for its immediate taking effect.

I do not believe that such a statute should take effect immediately. It would be unfair to make a criminal of a person until he had at least a reasonable opportunity to become familiar with the statute.

This act is an amendment to the General Municipal Law of the State, and not an amendment or addition to the Penal Law of the State. If such a law is to be enacted, I believe that it should be put in the Penal Law, where the average person would look for such a statute, and not in the General Municipal Law, where few people would ever look for such a statute.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

III

PART II

MEMORANDA ON LEGISLATIVE BILLS VETOED

[315]

III

PART II

MEMORANDA ON LEGISLATIVE BILLS VETOED

To Amend the Code of Civil Procedure, in Relation to Salaries of Stenographers in Surrogate's Court

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Assembly bill, Int. No. 1029, Printed No. 1145, Senate No. 2158, entitled:

"AN ACT to amend the code of civil procedure, in relation to salaries of stenographers in surrogates' courts."

NOT APPROVED.

This bill cannot be approved without destroying chapter 92 of the Laws of 1920, and is for that reason disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Village Law, in Relation to Extension, Outside of Villages, of Certain Village Lighting Systems

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Assembly bill, Int. No. 1278, Printed No. 2123, entitled:

"AN ACT to amend the village law, in relation to extension outside of villages of certain village lighting systems."

NOT APPROVED.

By this bill the provision of the Village Law permitting an extension of a village lighting system is so amended as to permit such a system to be extended in certain cases without the consent of the Public Service Commission, thus competing with existing lines.

This opposes the uniformity of the public utility policy of the State, and the bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Civil Service Law, in Relation to Examinations of State Employees in the Competitive Class of the Service

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Senate bill, Int. No. 1022, Assembly Reprint No. 2175, entitled:

"AN ACT to amend the civil service law, in relation to civil service examinations of persons in the employ of the state in the competitive class of the state civil service."

NOT APPROVED.

The language of this bill is indefinite and difficult to understand. Just what its effect would be upon the operation of the Civil Service Law, probably no one could tell. The Commission certifies that its cost to the State would be very great and that it might require the holding of a great many unnecessary examinations. If it is a good thing, it can be done by the Commission, by rule, and the Civil Service Law gives to the rules and regulations of the Civil Service Commission the effect of law. It should not be done by a hard and fast statute, such as the one here proposed.

For these reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Labor Law so as to Remove Women Working in Printing or Publishing Establishments from the Protection of the Section which Prohibits Night Work for Women in Factories

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Assembly bill, Int. No. 1087, Printed No. 1212, entitled:

"AN ACT to amend the labor law, in relation to definition of a factory."

NOT APPROVED.

It is sought by this bill to take "printing or publishing establishments" out of that section of the Labor Law which defines a "factory." The effect of this bill, if enacted into law, would be to remove women working in printing or publishing establishments from the protection of section 73-b of the Labor Law, which prohibits night work for women in factories.

In the case in which the Court of Appeals sustained the validity of the statute prohibiting night work for women, the appellant was a printing office, and Judge Hiscock, now Chief Judge of the Court of Appeals, in writing the prevailing opinion, clearly fixed the policy of the State with regard to this important question of whether or not women should be permitted to work in the night-time in factories.

Judge Hiscock said:

"* * * Protection of the health of women is a subject of special concern to the state. However confident a great number of people may be that in many spheres of activity, including that of the administration of government, woman is the full equal of man, no one doubts that as regards bodily strength and endurance she is inferior and that her health in the field of physical labor must be specially guarded by the state if it is to be preserved and if she is to continue successfully and healthfully to discharge the duties which nature has imposed upon her. * * *"

(People of the State of New York, Respondent, v. Charles Schweinler Press, Appellant, 214 New York Reports, page 395, at p. 401.)

The opinion of the Court from which I have just quoted reversed a former decision of the same Court on practically the same legislative proposal; but the Court, at the time of the latter decision, had before it the report of the State Factory Investigating Commission, which contained a large volume of expert and medical opinion on the question of injury to the health of women caused by working at night in factories.

I regard this proposed enactment as a distinctly backward step for the State of New York to take at a time when there is international recognition of prohibition of night work for women, as a health measure.

It is wrong to compromise with a principle. If we exempt printing establishments this year, we will be urged to exempt some other establishments next year, and gradually the statute will be so weakened as to make it useless.

This is not a matter of personal convenience to the people affected. It is a matter of interest to the people of the whole State. The United States Supreme Court, in Muller v. Oregon, 208 U. S., 412-421, struck the keynote of the matter when it said:

"* * * * As healthy mothers are essential to vigorous offspring, the physical well-being of women becomes an object of public interest and care in order to preserve the strength and vigor of the race. * * *"

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Judiciary Law, in Relation to Publishing Appointments of Terms of County Court

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 14, 1920

Memorandum filed with Assembly bill, Int. No. 719, Printed No. 1501, entitled:

"AN ACT to amend the judiciary law, in relation to publishing appointments of terms of county court."

DISAPPROVED.

This Act seeks to increase from three to four the number of publications required in the newspaper in the city of Albany designated pursuant to section 82 of the Executive Law to publish notices of the

appointments of terms of the county courts of various counties. It also seeks to exempt the county of Erie from the publication of such notices.

I can see no reason for increasing the number of publications in the Albany newspaper from three to four. If such publications are to be made at all in a newspaper published in the city of Albany, I can see no reason why there should be a special exemption in the case of the county of Erie.

This bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Public Health Law, in Relation to the Practice of Undertaking

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 14, 1920

Memorandum filed with Senate bill, Int. No. 1077, Printed No. 1230, entitled:

"AN ACT to amend the public health law, in relation to the practice of undertaking."

NOT APPROVED.

The bill seeks to exempt from the provisions of the Public Health Law, charitable organizations engaged in the burial of their dead. Desirable as that may be, the public health should be our first consideration, and this bill is opposed by written memoranda by the Department of Health of the State of New York and the Department of Health of the City of New York, and, though reluctantly, I must withhold my approval.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Executive Law, in Relation to the Assignment by the Attorney-General of a Deputy to the Agricultural Department

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 14, 1920

Memorandum filed with Assembly bill, Int. No. 1604, Printed No. 1926, entitled:

"AN ACT to amend the executive law, in relation to deputies."

NOT APPROVED.

By this proposed amendment to section 61 of the Executive Law, it is intended to compel the Attorney-General to assign one deputy to the New York City bureau of the Attorney-General's office in charge of the Agricultural Department.

This bill is senseless, in that it seeks to compel the Attorney-General to do something that he now has the full power to do by section 61 of the Executive Law.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Admit Alvah A. Sharp to an Examination for License to Practice Veterinary Medicine

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 14, 1920

Memorandum filed with Assembly bill, Int. No. 841, Printed No. 923, entitled:

"AN ACT to enable Alvah A. Sharp, of Red Creek, in the county of Wayne, to be examined for license to practice veterinary medicine."

NOT APPROVED.

The above bill is disapproved for the reason that it seeks to admit Alvah A. Sharp to an examination for license to practice veterinary medicine by special act instead of requiring him to comply with the provisions of the Education Law in reference to regulating the licensing of veterinary surgeons.

It is special legislation, and for that reason is disapproved.

(Signed) ALFRED E. SMITH.

To Authorize the John Single Paper Company to Apply to the State Tax Commission for a Revision of Taxes Assessed Against Such Corporation

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 14, 1920

Memorandum filed with Assembly bill, Int. No. 907, Printed No. 1350, entitled:

"AN ACT to authorize the John Single Paper Company, Limited, or the officer or person having custody of its assets, to apply to the tax commission for a revision of taxes assessed against such corporation pursuant to article nine-a of the tax law for the year beginning November first, nineteen hundred and seventeen."

NOT APPROVED.

This bill seeks to waive the Statute of Limitations in the interest of a single concern. It is objectionable as special legislation. If the Statute of Limitations in the Tax Law is unreasonable or unjust, it should be changed generally and not to fit one particular case. Furthermore, there is no necessity for the act in question because the Tax Law provides that in case of a readjustment by the Fed-

eral Government the State Tax Commission may readjust the tax upon the submission of proof showing that the corporation is entitled to a readjustment.

For the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

In Relation to the Sale of Lots Purporting to Front upon a Street or Highway in the Town of Gates, Monroe County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 14, 1920

Memorandum filed with Assembly bill, Int. No. 327, Printed No. 1960, entitled:

"AN ACT in relation to the sale of lots purporting to front upon a street or highway in the town of Gates."

NOT APPROVED.

Last year I vetoed an act identical with this in language but applying to all towns. This year the bill is presented to me applying only to the town of Gates in the county of Monroe.

Last year I had great doubt as to the constitutionality of this measure. I still have that doubt, and whether or not it is constitutional I am still of the opinion that it is an unnecessary interference with legitimate business necessary for the proper development of the State, even though confined to the town of Gates. This is a time when every effort of the State must be strained to increase the development of housing facilities. This bill would tend to arrest possible development.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Revise the Charter of the City of Rome

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 15, 1920

Memorandum filed with Senate bill, Int. No. 554, Printed No. 965, entitled:

"AN ACT to revise the charter of the city of Rome."

NOT APPROVED.

This bill purports, in effect, to provide a charter for the city of Rome based on the charter for second class cities. The chief argument in support of the measure is centralization of power and responsibility in the hands of the mayor. I am in accord with this principle, but objections to the charter have been brought to my attention which leads me to withhold my approval.

The bill establishes a form of city government which differs radically from that under the present charter. It will, I believe, entail

considerable additional expenses upon the taxpayers. Broad powers are taken from the present appointed officials and centered in elected officers who have just assumed their duties. Many representative citizens, without regard to politics, appeared before me and stated that a vast majority of the citizens of Rome are against the proposed charter. It is claimed, and on this I do not pass judgment, that the city officials who have accepted the bill on behalf of the city of Rome are prompted by selfish motives. Nothing has been presented to me indicating any demand from the citizens generally for the enactment of this law. I am unwilling to subscribe to a policy under which the State can make such a radical change in the form of a local government and confer such broad and additional powers upon newly elected officials without a referendum. This charter should, I believe, be submitted to the electors of the city of Rome. The policy which I have indicated is approved by the representative of the Mayors' Conference of the State of New York, who appeared in favor of the bill at the public hearing held before me in the Executive Chamber.

The proposed charter also contains objectionable features. The power of equalization of taxes is given to the board of supervisors, whereas the county has a board of equalization which, if this bill becomes a law, would have jurisdiction over the city of Utica and the remainder of the county, while the board of supervisors would have jurisdiction over the city of Rome. On the question of local assessments the bill purports to make decisions by the common council conclusive, thereby depriving taxpayers from any redress to the courts. There is also a provision authorizing publication of official notices in any paper in the county, notwithstanding the fact that the city has newspapers of its own. These and other defects can be eliminated and the charter re-enacted at the next session of the Legislature with a referendum clause, and after submission to the electors of the city every one will be content with the result.

For these reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Election Law so as to Break Down the Direct Primary System by Substituting Party Nominating Conventions for the Office of Justice of the Supreme Court

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Assembly Bill, Int. No. 861, Printed No. 960, entitled:

"AN ACT to amend the election law, in relation to party nominations for the office of justice of the supreme court."

NOT APPROVED.

The amendment to the Election Law proposed by this bill would have the effect of lifting nominations for the office of Justice of

the Supreme Court out of the direct primary system and substituting party nominating conventions.

In 1913, after years of bitter political wrangling, the State adopted its present policy and opened wide the political parties to the control of the enrolled voters, members thereof. No person has so far been able to offer any good reason why the nominations of a party should not be made by all the members of that party. It is needless for me at this time to dwell upon the evils that the direct primary system was intended to and did cure. The only question raised by this bill is whether we should return to a discredited and discarded system, so far as nominations for Justices of the Supreme Court are concerned. One of the briefs filed with me in favor of this bill says, "Judicial office is one which requires of the candidate a special fitness, which can best be discussed among a small number of representative persons." With that I am obliged to disagree, The fitness of any candidate, for any office, can best be discussed by all the members of the party which makes the nomination. It is infinitely better for the State that every candidate, particularly a candidate for a place in the judiciary, receive his nomination at the hands of a majority of the voters of his party, than through the favor of the few.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Tax Law, in Relation to the Effect of Dissolution of a Corporation on Taxes Assessed or Paid Pursuant to Article Nine-a of Said Law

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Assembly bill, Int. No. 1190, Printed No. 1672, entitled:

"AN ACT to amend the tax law, in relation to the effect of dissolution of a corporation on taxes assessed or paid pursuant to article nine-a of the tax law."

NOT APPROVED.

This bill proposes an amendment to the tax law, in contradiction of the entire scheme of the law as it now stands. If enacted, it would put a premium upon dissolutions and reorganizations, and relieve corporations of a perfectly legitimate tax, based only upon net income.

The bill is drawn to meet the condition of one particular corporation. It is not general in character and is not intended to strengthen our tax laws.

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Judiciary Law so as to Reduce the Term of Office for Eligibility to Retirement of Employees of the Appellate Division of the Second Department to Twenty Years

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Senate bill, Int. No. 1114, Printed No. 1268, entitled:

"AN ACT to amend the judiciary law, in relation to retirement of employees by the appellate division of the second department."

NOT APPROVED.

This bill seeks to make an amendment to the Judiciary Law, in relation to retirement of employees by the Appellate Division of the Second Department.

It is evidently intended to benefit some individual or small group of individuals. It reduces the term of office for eligibility to retirement to twenty years. In that feature, I deem it particulary objectionable.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Railroad Law, in Relation to Warning Signs at Railroad Crossings

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Assembly bill, Int. No. 1338, Printed No. 1540, entitled:

"AN ACT to amend the railroad law, in relation to warning signs at railroad crossings."

NOT APPROVED.

This bill should not become a law. It amends a statute of last year which provided for uniform approach signal signs at railroad crossings throughout the State. Several other States at the time of the passage of the Act had already enacted similar laws, and since then other States have joined the project, so that now about twenty States of the Union have a similar law. The provision of this bill permitting the Public Service Commission to vary the nature of this sign is therefore against the purpose of the entire plan.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Banking Law so as to Permit Foreign Banking Corporations, Under Certain Conditions, to Receive Deposits in New York City

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Senate bill, Int. No. 1606, Printed No. 2026, entitled:

"AN ACT to amend the banking law, in relation to foreign banking corporations."

NOT APPROVED.

This bill proposes an amendment to the Banking Law to permit foreign banking corporations, under certain conditions, to receive deposits in New York City.

This bill was introduced so late in the session and advanced so rapidly after its introduction, that it could not have received the consideration to which so important a bill is entitled. I am informed, however, by the Superintendent of Banks that there is considerable opposition to it in banking circles.

I am moved by the following statement contained in a memorandum submitted by the Superintendent of Banks:

"If such a bill were to become a law, it is felt that greater protection should be afforded depositors and that, if our own institutions were to be subjected to competition from foreign banking institutions, that competition should be upon more equal terms."

The memorandum in opposition filed by the Superintendent of Banks is much longer, but it is not at this time necessary for me to go into it in detail. I feel it sufficient to know that the present Superintendent and the Superintendent who assumes office on the first of July of this year by appointment from myself are both strong in opposition to the bill.

For these reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Judiciary Law so as to Provide for the Removal of Official Referees Now in Office in the Second Judicial District and the Appointment in Their Places by the Appellate Division of the Second Department of Two Under Seventy Years of Age

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Assembly bill, Int. No. 378, Printed No. 2240, entitled:

"AN ACT to amend the judiciary law, in relation to official referees."

NOT APPROVED.

This bill proposes an amendment to the Judiciary Law which in substance provides for the removal of official referees now in office

in the Second Judicial District and the appointment in their places by the Appellate Division of the Second Department of two referees from among the members of the Bar of the Second Department.

Although the policy of appointing official referees is Statewide, this bill seeks to make an exception, so far as the Second Judicial District is concerned, as to who shall be eligible for appointment to this place. The theory behind the creation of official referees was to afford an opportunity to Judges who had retired because of the age limit, to continue to serve the State as referees. The referee system as originally intended is either good or bad. If the latter, it should be abolished entirely, but no attempt at discrimination should be made as is provided by this bill.

In outlining the qualifications of the two referees to be appointed in the Second Judicial District, the bill provides that they shall be under the age of seventy years. It therefore, by its provisions, renders ineligible Judges who have retired because of the age limit, which is fixed by the Constitution at seventy years. I am unable to understand why the very men which the referee act was created to benefit should be deprived of the right to appointment, all things being equal, by the provisions of this act. It seems to be worded in such a manner as to make the State completely reverse its policy, so far as the Second Judicial District is concerned.

For all of the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Install a Two-Platoon System in the Fire Department of All First, Second and Third Class Cities

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Assembly bill, Int. No. 952, Printed No. 2006, entitled:

"AN ACT to promote the health and efficiency of firemen in cities of the state."

NOT APPROVED.

This bill makes it mandatory upon all cities in the State, of the first, second and third class, to install a two-platoon system in the fire department.

Twenty-two cities have already adopted the two-platoon system. Thirty-six cities have as yet not adopted such a system. Of the thirty-six cities, twenty-five are limited in their taxing powers, either by their charters or by special acts. Sixteen cities are unable to raise another dollar by taxation, and five are so close to their taxation limitation that their margins would not take care of the increased cost required under this bill. If this bill were to become a law, twenty-two cities of this State would either have to reduce their fire-fighting forces, reduce the salaries, or curtail or probably abolish some other necessary municipal activity.

I am informed by the Secretary of the Mayors' Conference that, right up to the very last day of the session, assurance was given that this bill would not be passed, and for that reason no effort was made on behalf of the cities to secure the legislation necessary to put them in a position to carry it into effect. I am further informed by the Mayors' Conference that in several cities the firemen were offered their choice between an increase in salary and the adoption of a two-platoon system, and that the firemen preferred the increase in salary, and the increases were actually granted.

From this it will be seen that, however desirable a two-platoon system may be for the promotion of the health and efficiency of firemen, obstacles which cannot be overcome make it impossible, because of the manner in which the legislation was advanced. Had sufficient notice been given by the early passage of this bill — which was introduced on the fourth day of March, seven weeks before adjournment — the cities could, by charter amendment or special act, increase their taxing capacity in order to meet the changes sought to be brought about by its provisions. As the matter now stands, the State would be forcing upon the cities an obligation, which, from the very nature of things, they cannot discharge.

For all of the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Fix the Salary of the County Clerk of Richmond County by Act of the Legislature, Taking the Power to do so from the Board of Estimate and Apportionment

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Senate bill, Int. No. 1702, Printed No. 2195, entitled:

"AN ACT to amend chapter five hundred and thirteen of the laws of nineteen hundred and nine, entitled 'An Act to make the office of the clerk of the county of Richmond a salaried office, and regulating the management of the said office,' in relation to the salary of such clerk."

NOT APPROVED.

This bill seeks to fix the salary of the County Clerk of Richmond County by Act of the Legislature, and takes from the Board of Estimate and Apportionment the power which it now has to fix such salary.

All salaries should be fixed by the Board of Estimate and Apportionment, and I sought to have that done by a bill which passed the Senate this year but was defeated in the Assembly.

It is bad enough to be obliged to contend with the policy which leaves certain salary-fixing in Greater New York to officials other than the Board of Estimate and Apportionment; but no backward

step should be taken relieving that Board of responsibility, as is contemplated in this bill.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend the General City Law so as to Allow Public Employees in Cities, Who have Served Three Years in the Legislature, to be Pensioned After Twenty Instead of Thirty Years of Service

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Senate bill, Int. No. 1650, Printed No. 2085, entitled:

"AN ACT to amend the general city law, in relation to the retirement from active service of certain city employees."

NOT APPROVED.

This bill would allow public employees in cities who have served three years in the Legislature, to be pensioned after twenty years' of service, instead of thirty, thus putting them in the same class with veterans of the Civil War.

No reason has been given to me why this should be done. It is apparent from the language of the bill that they would receive this pension whether or not they were capable of going on with any other employment.

The bill looks to me like special legislation, intended to take care of some small group of individuals.

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Legalize the Appointment of a Deputy Transfer Tax Assistant Made by the State Comptroller in Violation of the Civil Service Law

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Senate bill, Int. No. 1484, Printed No. 1792, entitled:

"AN ACT to legalize the appointment of a deputy transfer tax assistant in New York county."

NOT APPROVED.

This bill seeks to legalize, ratify and confirm the appointment of a deputy transfer tax assistant in New York County, which appointment was made by the State Comptroller in violation of the Civil Service Law.

Without discussing the merits or demerits of the proposal, I am satisfied that it is of doubtful constitutionality. The Constitution of the State provides that all places in the State and all of its civil divisions shall be filled after competitive examination, as far as practicable, and that the Legislature shall make laws carrying that constitutional provision into effect. To give it life, the State Civil Service Law was enacted, and to the State Civil Service Commission created by that law was given the power to exempt positions from the provisions of Civil Service. This particular place they refused to exempt, and any act seeking to ratify, legalize or confirm the action of the Comptroller in this matter would, in my opinion, be in violation of the constitutional provision.

For the above reason, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Tax Law so as to Provide that Lands Dedicated to Continuous Forest Production Shall be Taxed as Vacant Land and the Timber Thereon Taxed at the Time of Cutting

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920.

Memorandum filed with Assembly bill, Int. No. 479, Printed No. 513, entitled:

"AN ACT to amend the tax law, in relation to the assessment of forest lands dedicated to continuous forest production.

NOT APPROVED.

This bill was designed to constitute part of a plan to change the policy of taxing forest lands, the general principle being that lands dedicated to continuous forest production should be taxed as vacant land and the timber thereon taxed at the time of cutting, so that the tax would be in the nature of a yield tax.

There was a companion bill to this one amending the Conservation Law, which failed of passage. Without its companion, this bill is ineffective and useless.

For the above reasons, it is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Legislative Law, in Relation to the Organization of the Legislature and the Oaths of Office of Members

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920.

Memorandum filed with Assembly bill, Int. No. 1707, Printed No. 2208, entitled:

"AN ACT to amend the legislative law, in relation to the organization of each house of the legislature and the oaths of office of members thereof."

NOT APPROVED.

This bill seeks to amend the legislative law by providing that on the day fixed for the assembling of the legislature, the members-elect of each house shall take the constitutional oath of office at the bar of the house; that if objection be made by any member-elect to the eligibility or qualification of any other member, the members-elect present shall, by a majority vote, determine whether or not the member-elect shall be permitted to take the constitutional oath of office. If the determination is in the negative, the member or members-elect affected are disqualified from taking the constitutional oath of office and the Senate or Assembly may organize without such member or members-elect, and the outcast member-elect may make an application to the house to be permitted to qualify as a member.

The constitution provides that the Legislature shall be the judge of the qualifications of its members. This great power has always involved a great responsibility, and the precedents in all legislative assemblies show that it has been exercised with the greatest caution and upon the rarest occasions.

To permit this bill to become law would be to give apparent legislative sanction to making an exception to the rule, and such a law might undoubtedly be invoked as justification for the arbitrary exclusion of a minority. The mere statement of the provisions of this bill seems to me sufficient to condemn it.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Public Officers Law, Relative to the Qualifications of Certain Persons to Hold Public Office and Their Exclusion Therefrom

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Assembly bill, Int. No. 1669, Printed No. 2167, entitled:

"AN ACT to amend the public officers law, relative to the qualifications of certain persons to hold public office, and providing for their exclusion from public office, and preventing their exercise of official duties."

NOT APPROVED.

The amendment to the public officers law provided for in this bill is dependent upon the proposed amendment to the election law relative to the recognition of certain political organizations as political parties.

The proposed amendment to the election law, being disapproved, this bill would be without force or effect, were it enacted. It has many objectionable features, but there is no occasion for comment-

ing upon them in detail. The fact that the other bill failed, takes this one with it.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Election Law, Relative to the Recognition of Certain Political Organizations as Political Parties

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920.

Memorandum filed with Assembly bill, Int. No. 1668, Printed No. 2166, entitled:

"AN ACT to amend the election law, relative to the recognition of certain political organizations as political parties."

NOT APPROVED.

This bill provides for an amendment to the election law authorizing the attorney-general of the state, if information be presented to him that any political party, otherwise entitled under the election law to be recognized as a party, supports, advocates, maintains or declares for principles, doctrines or policies, which, if carried into effect, would violate the state or federal constitution, or unlawfully imperil or destroy the government of the country or the state, or advocates policies which, if supported by a private person, would be unlawful, to make application to the Appellate Division of the Third Department to determine whether such political organization is entitled to recognition as a party.

The Appellate Division is then authorized to determine whether any of the charges in the petition are proved, and upon adverse determination the party affected shall not be entitled to any place upon the official ballot, and the party shall, in all other respects, be deprived of the prerogatives of a party.

This bill would place upon one particular appellate division of the supreme court of this state, and no other, the duty of deciding upon the validity of the political principles advocated by any party in the state. Its determination would be final and controlling. To its members would be permitted the despotic power to strike from the ballot the candidates of any party. The tests which it would be compelled to apply would, of necessity, be not legal but political tests. The bill would throw a high appellate court into the very midst of political controversy. This alone would require its disapproval, but to this objection must be added an even more vital and far reaching one.

The bill would confer upon this small body of men, perhaps all of one political faith, the absolute power in effect to disfranchise hundreds of thousands of voters. It may even exercise this unheard of power upon the faith of affidavits, without ever hearing a witness. A few judges elected in one part of the state, and assigned to the appellate division of their department, would have the power to keep from the ballot all candidates of whose party principles they disapproved.

The question in electing such judges, or in assigning them, would not be their qualifications for judicial duty, but rather an inquiry as to what their attitude would be in giving to voters of the entire state an opportunity to exercise the fundamental functions and rights of citizenship. If unpopular minorities are to be deprived by any such device as this of their basic rights to representation upon the ballot, they will, indeed, have conferred upon them a just claim to political martyrdom. The very evils of ultra-radicalism which are feared by the proponents of this measure would, in my opinion, be infinitely enhanced if the bill became law.

The voters of this state are entitled as of right to the privilege of choosing their own candidates and their own officials and to enunciate their own platform, and no majority should have the right to exclude any minority from its just participation in the functions of government.

This country has lived and thrived from its inception until today, when it is recognized as the leading world power, upon the fundamental principles set forth in the Declaration of Independence, one of which was the declaration that all men are created equal. No matter to what extent we may disagree with our neighbor, he is entitled to his own opinion, and, until the time arrives when he seeks by violation of law to urge his opinion upon his neighbor, he must be left free, not only to have it but to express it. In a State, just as in a legislative body, the majority needs no protection, for they can protect themselves. Law, in a democracy, means the protection of the rights and liberties of the minority. Their rights, when properly exercised, and their liberties, when not abused, should be safe-guarded. It is a confession of the weakness of our own faith in the righteousness of our cause, when we attempt to suppress by law those who do not agree with us. I cannot approve a bill which confers upon three Judges, learned though they be, but nevertheless human, the power to disfranchise any body of our citizens.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend the County Law, in Relation to Compensation of Supervisors in Niagara County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Assembly bill, Int. No. 208, Printed No. 208, entitled:

"AN ACT to amend the county law, in relation to compensation of supervisors in Niagara county."

NOT APPROVED.

If this bill should become a law, it would repeal a bill already approved by me and which became chapter 10 of the Laws of 1920. It is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend an Act to Consolidate and Revise the Several Acts Relative to the City of Olean

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Assembly bill, Int. No. 1225, Printed No. 1390, entitled:

"AN ACT to amend chapter five hundred and thirty-five of the laws of nineteen hundred and fifteen, entitled 'An Act to consolidate and revise the several acts relative to the city of Olean,' generally."

NOT APPROVED.

This bill is disapproved for the reason that it is an exact duplicate of a bill which I have already approved and which became chapter 444 of the Laws of 1920.

(Signed) ALFRED E. SMITH.

To Amend the Conservation Law, in Relation to Hunting Licenses

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Assembly bill, Int. No. 1413, Printed No. 1634, entitled:

"AN ACT to amend the conservation law, in relation to hunting licenses."

NOT APPROVED.

This bill proposes an amendment to the Conservation Law in relation to hunting licenses and makes certain regulations in regard to the tagging of the carcass, or parts of the carcass, of the deer taken.

Early in the year I signed an amendment to the Conservation Law prohibiting the taking of does and limiting each hunter to one buck during the open season. This bill is inconsistent with that act and, if signed, would nullify it in some of its most important features.

For the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Conservation Law, in Relation to the License of Dogs

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Senate bill, Int. No. 1310, Printed No. 1563, entitled:

"AN ACT to amend the conservation law, in relation to the license of dogs."

NOT APPROVED.

This bill seeks to entirely remove from the Conservation Commission the control of licensing dogs which may be taken into the deer forests and to permit the taking into such forests of dogs accompanied by the owners.

Previous to the adoption of section 93 of the Conservation Law, no dogs at all were allowed in the Adirondack or Catskill Park or in forests inhabited by deer. The use of dogs in running deer resulted in such an abuse that all dogs were excluded. Section 93 was enacted for the purpose of permitting certain classes of dogs, viz., bird dogs used in hunting partridge and woodchuck and pet or family dogs, to be taken into those parks, and a system of licensing was established in order to keep a proper check upon the dogs. To abrogate that system, as provided in the bill, would, in my judgment, tend to a return to the grave abuse of hunting deer in these parks with dogs.

For the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

In Relation to the Inspection of Work of the Department of Public Works, City of Syracuse

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Senate bill, Int. No. 988, Printed No. 1113, entitled:

"AN ACT to amend chapter six hundred and eighty-four of the laws of nineteen hundred and five, entitled 'An Act to supplement the provisions of law, relating to the department of public works of the city of Syracuse,' in relation to inspection of work."

NOT APPROVED.

This bill is an exact duplicate of another bill which has been already signed by me and which became chapter 359 of the Laws of 1920.

For that reason it is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Conservation Law, in Relation to Posting of Lands Without Written Evidence of Ownership and Control

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Assembly bill, Int. No. 1506, Printed No. 1754, entitled:

"AN ACT to amend the conservation law, in relation to the posting and maintenance of notices and signs upon lands without written evidence of the ownership and control thereof."

NOT APPROVED.

This bill seeks to make it a misdemeanor for any person to take advantage of article 11 of the Conservation Law permitting posting against trespass, unless at the time of the posting the ownership or right of possession of such person is evidenced by an instrument in writing.

It very frequently occurs that persons are the legal owners of land and are lawfully in possession of the same without being able to produce written evidence of their ownership or their right to possession. There seems to be no good reason why a legal owner or a person in lawful possession should not be able to protect his land from trespass, even though he might not be able to produce a written instrument to establish his ownership or possession.

For these reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

For the Development of the Water Power of the State by Individuals or Corporations as a Private Enterprise

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Senate bill, Int. No. 1692, Printed No. 2221, entitled:

> "AN ACT in relation to the diversion of water from Lakes Erie, Niagara river and other boundary waters of the state for power purposes."

NOT APPROVED.

My position in reference to the development of the water power of the State is well known. I have stated it frequently, both privately and publicly. I am in favor of the development of this great natural resource by the State for the benefit of the people. I am opposed to its development by individuals or corporations as a private enterprise. I am opposed to the extension to individuals or corporations of any greater rights in the development of the water power of this State than they now possess by law.

This act, if it became a law, would grant to persons or corporations heretofore or hereafter formed under a general law, or a corporation heretofore created by special act, or any grantee, successor in interest or assign of such corporation, who or which has by law the right to take or divert water from Lake Erie, the Niagara river, or other boundary waters of the State, for any purpose, the right to use such water in the development of hydraulic or hydro-electric power, provided that compliance be made with the provisions of this act. These provisions are merely to the effect that by filing an instrument in writing with the Secretary of State such persons and corporations recognize the right of the State to fix rentals or license fees for the taking of such water and the right to fix reasonable rates for power. In plain words, such persons or corporations simply admit that the State has a power which it already possesses and can

exercise as a condition of any franchise to be granted or the extension of a franchise already existing. Under this proposed law, a person or corporation having a right to take such waters for sanitary, irrigation or water supply purposes would be permitted to use it for the purpose of developing hydraulic or hydro-electric power.

I am credibly informed that there are in existence some corporations practically defunct but which have never been legally terminated which were incorporated for the purpose of taking water from these boundary waters for purposes far remote from that of developing hydraulic or hydro-electric power. This act, if it became a law, would, in my opinion, so vitalize such practically defunct corporations as to permit them to exercise the right to take water for hydraulic and hydro-electric power purposes, where they now have only the right to take it for entirely different purposes.

There is throughout the State a widespread public demand for the enactment of laws which will give to the people themselves the benefits that come from the great natural resources owned by them. Not only would they be dissatisfied with anything short of the adoption of that policy, but I am reasonably certain that they would severely condemn any attempt to make possible further private development on the ground set forth in my first annual message wherein I said that private development benefits only the individuals lucky enough to secure the grants or franchises.

For all of the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Code of Criminal Procedure so as to Provide a Special Procedure for the County of Kings, in Relation to the Appointment of Probation Officers, Their Duties, Powers and Salaries

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Assembly bill, Int. No. 1683, Printed No. 2067, entitled:

"AN ACT to amend the code of criminal procedure, in relation to probation officers; appointment; duties; powers; procedure; transfers."

NOT APPROVED.

This bill seeks to amend the Code of Criminal Procedure, in relation to probation officers, their appointment, duties, powers and salaries.

It is sought by this bill to make a special procedure for the county of Kings, not obtaining in any other county in the State. At the present time the number of probation officers and the salary are determined on in the city of New York by the board of estimate and apportionment, and elsewhere in the State by the board of supervisors of any county. I am unable to agree with any policy that

takes from the board of estimate and apportionment the power now lodged with them to fix the number of employees or the salary. If there is anything to be gained by having the number determined and the salary fixed by county judges it should obtain generally throughout the State and not in only one county.

For the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Highway Law and the State Charities Law, in Relation to Maintenance of Highways Passing Through Craig Colony

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Assembly bill, Int. No. 589, Printed No. 631, entitled:

"AN ACT to amend the highway law and the state charities law, in relation to the maintenance of highways passing through Craig Colony, and the employment of inmates in the performance of such work."

DISAPPROVED.

This act seeks to require the highway commissioner to maintain and repair any highways or right of way within the boundaries of Craig Colony, located at Sonyea, Livingston county.

The work of the maintenance department of the highway department is now confined wholly to the maintenance and reconstruction of improved roads. These roads are not improved roads and are merely dirt roads, and there are no funds provided for the maintenance and repair of such roads by the highway department.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Highway Law so as to Provide for the Acquisition of Toll Bridges Connecting County and Town Highways

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Assembly bill, Int. No. 914, Printed No. 1008, entitled:

"AN ACT to amend the highway law, in relation to the acquisition of certain toll bridges at the expense of the state."

DISAPPROVED.

This bill seeks to amend the highway law in reference to the acquisition of certain toll bridges at the expense of the State. The law

as it now stands permits the acquisition of toll bridges that are part of a State route. This bill seeks to extend that provision to highways constituting a connecting link between a county and a town highway.

I am of the opinion that the acquisition of a toll bridge connecting a county and a town highway is a local matter, and such bridges should not be acquired by or at the expense of the State.

For this reason the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend an Act Incorporating the Ten Broeck Free Academy, in Relation to the Powers and Duties of the Trustees

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Assembly bill, Int. No. 1055, Printed No. 1788, entitled:

"AN ACT to amend chapter three hundred and fifty-three of the laws of eighteen hundred and sixty-two, entitled 'An Act to incorporate the Ten Broeck Free Academy,' in relation to powers and duties of the trustees thereof."

DISAPPROVED.

This bill is disapproved for the reason that it is a duplicate of a bill already signed by me.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Authorize the Postponement of the Sale of Real Estate for the Nonpayment of Assessments and Taxes in the County of Nassau

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Senate bill, Int. No. 664, Printed No. 681, entitled:

"AN ACT authorizing the postponement of the sale of real estate for the nonpayment of assessments and taxes in the county of Nassau."

DISAPPROVED.

This bill is disapproved for the reason that it is an exact duplicate of a bill already signed by me, and is now chapter 223 of the Laws of 1920.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Tax Law, in Relation to Information to be Furnished the State Tax Commission by Clerks of the Boards of Supervisors

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Assembly bill, Int. No. 1610, Printed No. 1932, entitled:

"AN ACT to amend the tax law, in relation to information to be furnished the state tax commission by clerks of the boards of supervisors."

DISAPPROVED.

This bill is disapproved for the reason that I have already approved an act of which this is an exact duplicate.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Penal Law, in Relation to Depositing or Leaving Papers or Refuse on Highways, and Destroying or Removing Receptacles Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Assembly bill, Int. No. 1134, Printed No. 1768, entitled:

"AN ACT to amend the penal law, in relation to depositing or leaving papers or refuse on highways and destroying or removing receptacles therefor."

DISAPPROVED.

This bill seeks to add two new provisions to the Penal Law:

FIRST: Making it a misdemeanor for any person to deposit, leave or throw any papers, boxes or other refuse in or upon any street, highway, avenue, path, sidewalk, road, or other public place, or upon any land adjacent thereto.

SECOND: Making it a misdemeanor for any person to wilfully injure or destroy or remove any receptacle placed along any street or highway, or other public place, for the deposit of papers and refuse.

If this bill should be signed, these provisions take effect immediately.

Most cities and incorporated villages have ordinances governing this subject and I am opposed to making such acts a crime without giving the people at least a reasonable opportunity to become familiar with the law. If this bill were approved today a person violating it, however innocently, tomorrow, might be punished and have no knowledge even that he was violating the law.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Public Health Law, in Relation to the Department of Narcotic Drug Control

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Senate bill, Int. No. 544, Printed No. 1922, entitled:

"AN ACT to amend the public health law, in relation to the department of narcotic drug control."

NOT APPROVED.

This bill proposes an amendment to the Public Health Law, in relation to the control of narcotic drugs.

A large portion of it is unnecessary in the statute law of the State for the reason that the present Narcotic Drug Control Act gives to the Commissioner the right and power to make rules and regulations covering part of the things sought to be done by this bill. The balance of it is highly objectionable to the Department of Health of the State of New York and the Department of Health of the City of New York. As I have confidence in our health departments I am loath to give my approval to any bill that meets their forceful and vigorous objection.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the General Construction Law and General Municipal Law, in Relation to Standard Time

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Senate bill, Int. No. 2, Printed No. 1638, entitled:

"AN ACT to amend the general construction law and general municipal law, in relation to standard time."

NOT APPROVED.

In 1918 the General Construction Law was amended to provide for what has been commonly known as the "Daylight Saving." This was accomplished by fixing the State time an hour ahead of what was known to be standard time before the congressional amendment, which in reality did the same thing.

In passing upon this bill, which in part repeals the Act of 1918, I am confronted by a very sharp conflict of opinion. It is conceded on all sides that the dwellers in the cities and villages desire the retention of the so-called daylight saving, while on the farms there is a strong and vigorous sentiment for a return to what is now standard eastern time. I need not dwell upon the benefits to the residents of cities and villages that grow from the operation of the present law. Their strong attitude in favor of it, backed by civic organizations and by chambers of commerce throughout the State,

is an indication of their absolute approval of the existing statute. The opposition coming from the farming sections is based upon what might reasonably be called business conditions, principal among which is the contention upon the part of the farmers that it is difficult to keep the help on the farms for the hour in the afternoon beyond which the city workers do not toil, and impossible to start the hour earlier in the morning because of atmospheric and other conditions.

I am not impressed by the argument that the men will not work on the farm the hour beyond the city workers' time. The Legislature could not have taken that seriously, because they have provided in the act that the governing board of a city or of a village may, by ordinance, continue the daylight saving; and, judging from the attitude of the people in the cities and villages, there is no doubt in my mind but that it would be continued by ordinance, so that there is removed from my consideration the principal objection made by the farmer. It must be obvious that you cannot have two times in the State, one by law for certain sections and one by ordinance for other sections. It must be apparent that this could only result in endless confusion.

The Legislature undoubtedly attempted by this act to compromise with the principle involved. In fact, it was freely stated at the public hearing before me that the empowering provision was put in the bill as a bait to certain city and village representatives who desired to have their action in voting for this bill square with the wishes of their constituencies.

Daylight saving is either good or bad. If it is bad, it should not be compromised with. I believe very earnestly that the great majority of the people of this State believe that it is good, and a democracy finds its strongest foundation-stone in adherence to the wishes of the majority.

Accordingly, this bill repealing the daylight saving is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Education Law, in Relation to the Assessment for School Purposes of Certain State Lands

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Senate bill, Int. No. 746, Printed No. 788, entitled:

"AN ACT to amend the education law, relative to the assessment for school purposes of certain state lands."

NOT APPROVED.

The subject-matter of this bill is contained in another bill which has already been approved by me and which became chapter 831 of the Laws of 1920.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Public Lands Law, in Relation to the Sale of Lands or Structures Acquired by Cities or Incorporated Villages

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Senate bill, Int. No. 1591, Printed No. 2011, entitled:

"AN ACT to amend the public lands law, in relation to the sale of lands or structures acquired by cities or incorporated villages."

NOT APPROVED.

What this bill seeks to provide for has been fully provided for in a bill already signed by me.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Judiciary Law, in Relation to the Admission of Certain Persons to Practice as Attorneys and Counselors-at-Law Without Examination

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Senate bill, Int. No. 29, Printed No. 716, entitled:

"AN ACT to amend the judiciary law, in relation to the admission to certain persons to practice as attorneys and counselors-at-law without examination."

NOT APPROVED.

This bill, if it became a law, would change the entire policy of the State in reference to the subject of admission and professional control of attorneys at law.

Attorneys are officers of the court, and it has long been the policy of this State to permit the courts to deal with its own, so far as admission and professional conduct of attorneys are concerned. This bill seeks to change that policy and put it into the hands of the Legislature as to the admission of attorneys at law. The requirements for, and the conditions under, which applicants may be admitted to the bar in this State are contained in the rules of the Court of Appeals and not in the statute law of the State.

Early in the year 1918 it was found that some law students who had completed their course in law schools and their clerkships in law offices and who were eligible under the rules to take the bar examinations were deprived from so doing by reason of their absence in the military and naval service of the United States in the late war. An application was made to the Court of Appeals which so amended its rules as to care for those cases.

The persons affected by this bill are in another class, to-wit, those whose course of study or period of clerkship was interrupted by reason of such military service. Such persons, instead of making application in the regular and orderly way to the Court of Appeals to amend its rules to give them proper relief, seek by mandatory legislation to compel their admission to the bar regardless of the rules of the Court of Appeals, claiming that they have been discriminated against.

This radical departure from the settled policy of the State is vigorously opposed by practically the entire judiciary, the bar associations, and the leading members of the bar of the State. If any discrimination has been made in this matter, in my opinion it is a matter that should be presented to the Court of Appeals upon an application to amend its rules so as to eliminate any such discrimination, in which event I am sure that the court will deal with it in a proper and satisfactory manner. The court can, on such an application, limit the effect of the rule to New York students and not permit students of other States to take advantage of privileges granted, as would be permitted under the wording of the act by simply gaining a residence in the State.

I know, and am at liberty to state, that the Board of Law Examiners will recommend to the Court of Appeals such proper amendment of its rules, and I am informed by the Chief Justice of the Court of Appeals that he is confident that if this entire matter is submitted to the Court of Appeals that court will not be unwilling to attempt to formulate some rule which will deal justly with the situation.

For the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Define and Regulate the Practice of Chiropractic

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920

Memorandum filed with Assembly bill, Int. No. 591, Printed No. 2210, entitled:

"AN ACT to define and regulate the practice of chiropractic."

NOT APPROVED.

This bill purports to define and regulate the practice of chiropractic. A very large number of people in this State, laboring under a misapprehension as to the provisions of this bill, have written to me in praise of the practice of chiropractic. It is not my purpose in this memorandum to deal one way or the other with that particular subject. We have chiropractors operating in this State at the present time. This bill is intended, as I said before, to define and regulate that practice.

My criticism of the bill is directed entirely to the fact that, while seeking regulation by the State, it actually leaves that regulation to a private incorporated society, over the membership of which the

State cannot possibly exercise any control. The first essential of regulation is the appointment of a board of examiners. While it is true that, in every branch of the medical or any other profession regulated by the State, examiners are certified to the Regents by well-defined societies or organizations, the power of removal provided in this bill is contrary to all procedure with reference to the appointment and removal of officers of State boards. This bill provides that examiners can only be removed when such removal is authorized by the incorporated society. Under the heading of their powers and duties the bill provides that they shall conduct all examinations of applicants for examination and license, including the preparation and grading of examination papers. This provision is contrary to the procedure in all other laws relating to examinations. The Medical Practice Act provides that each examination shall be conducted by a Regents' examiner, who shall not be one of the medical examiners. The Dental Practice Act provides that the Regents alone shall admit to the examination. The Veterinary Practice Act provides that each examination shall be conducted by a Regents' examiner, who shall not be one of the veterinary medical examiners. The Pharmacy Law provides that practical examinations shall be conducted by the examiners and the written examination by the Regents. The Chiropody Law provides that examinations shall be conducted by a Regents' official, who shall not be one of the State Medical Examiners. So that the effect of this bill would be to permit a private incorporated society to conduct by itself, without State supervision, all examinations of applicants for examination and license.

By far the most objectionable feature of the bill lies in the fact that there is set up by it an entirely new authority for the registration of schools, colleges, and departments of universities, for entrance to a so-called profession. In the regulation of all the professions, the State has a fixed and well-defined policy, and that is set forth in section 50 of the Education Law, which provides:

"The regents may register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and the professions in this state."

This bill, if enacted into law, so far as the practice of this so-called profession is concerned, would turn over to a private incorporated society the power to pass upon the institutions, value of degrees, diplomas and certificates, as set forth above. To indicate the extent to which the private control is carried by the bill, it is provided that the Board of Regents may suspend or revoke a license and suspend or annul a registration, but that power is vitiated by a further subdivision which compels the Regents to reinstate such license or registration upon the recommendation of the board of examiners. This particular section of the bill further provides that upon certification in writing by the board of examiners to the Regents that an applicant for license has complied with the requirements of this act and is entitled to a license hereunder, the Regents shall issue a license to the applicant in such form as the board of examiners shall designate.

This section further provides that blank forms for licenses shall be furnished to the Regents by the board of examiners. If we bear in mind that the board of examiners is appointed on the nomination of the private society and can only be removed with the consent of that society, it will be seen that instead of regulation by the State, as may have been intended by the bill, the regulation is really by the New York State Chiropractic Society, Incorporated.

The Department of Education strongly urges the disapproval of the bill in the following language:

"The bill is so subversive of all procedure heretofore followed in the licensing of practitioners in any department of the field of public health, and so dangerous in its possible far-reaching effects, to the detriment of public welfare, that it is most earnestly urged that it be not given executive approval."

The Department of Health, through Dr. Biggs, in a memorandum filed against the bill, says, in part, the following:

"I earnestly urge Your Excellency to withhold approval of this bill, the enactment of which will constitute a most serious blow to the public health of this State and the Medical Practice Act."

For all of the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the General Business Law so as to Make Mandatory the Proper Marking of Net Contents of Containers

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920

Memorandum filed with Senate bill, Int. No. 906, Printed No. 1405, entitled:

"AN ACT to amend the general business law, in relation to the net contents of containers to be indicated on the outside thereof."

NOT APPROVED.

I am in hearty accord with the purpose and intent of this Act, but a mistake in judgment has been made in its preparation. It is made effective on the first of next September. That is not sufficient notice to give to men who have ordered their packages ahead of time. Because of the scarcity of paper at this time, it would be a criminal waste to compel men to dispose of the packages already prepared under the provisions of the law as it now exists.

I repeat, that I am in sympathy with the purpose of the bill and would be glad to approve it if a greater period than three months' notice were given to the business men of the State to order their packages printed in accordance with its provisions.

For the above reason, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Election Law, in Relation to Committees to Fill Vacancies in Designations

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920

Memorandum filed with Assembly bill, Int. No. 556, Printed No. 1135, entitled:

"AN ACT to amend the election law, in relation to committees to fill vacancies in designations."

NOT APPROVED.

This bill proposes an amendment to the Election Law, in relation to committees to fill vacancies on designating petitions.

The present law provides that a member of a committee to fill a vacancy shall be an enrolled member of the party. This bill seeks to require that he shall be such enrolled member for two years in succession.

I can see no purpose that can be accomplished by the enactment of this bill. It would only lead to confusion and tend to lumber up the election statutes, too cumbersome at the present time.

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Election Law for the Purpose of Conferring upon Unofficial Party Conventions the Power to Suggest Party Candidates for State Office and for the Office of Justice of the Supreme Court

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920

Memorandum filed with Assembly bill, Int. No. 401, Printed No. 422, entitled:

"AN ACT to amend the election law, in relation to powers of unofficial party conventions."

NOT APPROVED.

This bill proposes an amendment to the Election Law intended to confer upon unofficial party conventions the power to suggest party candidates for State office and for the office of Justice of the Supreme Court.

The bill is wholly unnecessary. The power that it seeks to confer, parties now have under existing statutes.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Amend Chapter 200 of the Laws of 1854 and to Declare West Canada Creek and Its Branches a Public Highway, and Regulating the Passage of Logs and Lumber Down the Same, and for the Improvement of Said Stream

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920

Memorandum filed with Senate bill, Int. No. 783, Printed No. 831, entitled:

"AN ACT to amend chapter two hundred of the laws of eighteen hundred and fifty-four, entitled 'An Act declaring a part of the West Canada creek, and its branches, a public highway, and regulating the passage of logs and lumber down the same, and for the improvement of said streams,' generally."

NOT APPROVED.

This bill seeks to amend Chapter 200 of the Laws of 1854, and to declare West Canada Creek and its branches a public highway, and regulating the passage of logs and lumber down the same and for the improvement of said streams.

West Canada Creek and its tributaries are privately owned streams, except that some years ago the State appropriated portions of these streams and certain water rights therein for the purpose of establishing and maintaining the Hinckley Reservoir, which is part of the Barge Canal system of the State.

The owners of the rights in these streams are the State of New York, the Hinckley Fibre Company, the Utica Gas and Electric Company, and the Consolidated Water Company of Utica. The State's rights are those incident to the maintenance of the Hinckley Reservoir and supplying the same with water. The Utica Gas and Electric Company owns certain power rights derived from the waters. The Consolidated Water Company of Utica owns rights to take water for the supply of the City of Utica. The Hinckley Fibre Company have certain power rights and certain rights of floatage and other riparian rights in these streams.

The proponent of this bill is the owner of a considerable tract of land near the headwaters of one of these streams. On this land is a large quantity of timber, especially soft wood suitable for use as pulp wood. The most natural and easiest way to get this soft wood timber to market, is to float it down West Canada Creek and its branches in the Spring of the year at the time of high water.

It was conceded at the hearing upon this bill that there was not sufficient water in these streams to float logs at all times and that they could only be floated at high water time or by storing the water and supplying the stream during the low water season.

It was substantially conceded upon the hearing that although the bill is sufficiently general in its terms to permit anybody to float

logs down these streams, the only party really interested is the owner of this tract of land.

It was conceded upon the hearing and in the briefs filed that this is not a stream in which the public have general floatage rights and that the only way of obtaining such rights in this stream is either by purchasing them from the owners of the stream and rights therein or by asking the State to exercise its right of eminent domain to declare this stream a public highway. In other words, the owner of this tract of land asks the State to exercise its sovereign right of eminent domain, which the State can only exercise in the interest of the public to permit him to float his logs down this stream.

The owners of the rights in the streams heretofore mentioned seriously object to such an exercise of the right of eminent domain and contend that it will seriously damage them. So far as one of them is concerned the claim is entirely selfish but as to the others, I believe there is some merit in their contentions; especially it would seem to me would that be true as to the State with its rights and obligations of maintaining the Hinckley Reservoir and its water supply. There is a provision in the law for assessment and payment of damages but of doubtful adequacy in view of the peculiar conditions.

In the settlement of the claims made against the State for the appropriation of the rights taken by the State for the purpose of constructing and maintaining the Hinckley Reservoir, certain contracts were made with the owners of the streams and rights therein and under those contracts these owners were bound by certain conditions, the carrying out of which they contend would be seriously interfered with, were this bill to become a law. I believe there is some reason in their contentions and that the State ought not, by such an Act as this, interfere with the carrying out of contracts made by it with the owners of the rights in these streams.

I am not wholly satisfied that the State has the right or the power to exercise its right of eminent domain in the interest of the owner of one particular tract of land. I am not entirely satisfied that the State should be called upon to exercise that power under such circumstances. This is largely a controversy which will affect the value of the pulp wood upon this single tract of land, and to my mind is a dispute between private individuals that should be settled otherwise than by asking the State to exercise its great power of eminent domain.

For these reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Insurance Law, in Relation to the Merger of Fraternal Benefit Societies

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920

Memorandum filed with Assembly bill, Int. No. 1386, Printed No. 1976, entitled:

"AN ACT to amend the insurance law, in relation to the merger of fraternal benefit societies."

NOT APPROVED.

This bill proposes an amendment to the Insurance Law, in relation to the merger of fraternal benefit societies.

As the law now stands, a fraternal benefit society may consolidate or merge with any other benefit society, or re-insure its insurance risks, or any part thereof, with any other fraternal benefit society. The law further provides the manner and method for bringing about such consolidation, merger or re-insurance, and clearly sets forth that the fraternal benefit society shall make the proposal to so consolidate, merge or re-insure. After the fraternal benefit society has made the proposal, it is consummated by the supreme legislative or governing body.

This amendment seeks to permit fraternal benefit societies to re-insure with stock companies doing a regular insurance business. However desirable that may be, the same course should be pursued, of having the proposal come from the society itself; but this amendment does not provide for consulting the wishes of the members of the fraternal benefit society. Instead, it allows the legislative or governing body to decide, for all the membership, that the society will discontinue the insurance business. It further provides that the Superintendent of Insurance may, after an examination of the books, apply to the Supreme Court for an order of liquidation. If such order is granted, the society may then, with the approval of the Superintendent of Insurance or such official may in its behalf, enter into a contract of re-insurance with any insurance corporation. The part of the bill which permits the Superintendent of Insurance, after examination of the books, to apply for an order of liquidation, is not objectionable. In fact, I might go further and say that it is highly desirable; but the provision which permits the legislative or governing body, without the consent of the members of the society, to make so radical a change in the operation of the society, is, to my way of thinking, not fair to the rank and file.

I have received thousands of letters and telegrams from officers and members of a number of fraternal societies requesting that the bill be not signed.

For the reasons above given, the bill is disapproved.

(Signed) ALFRED E. SMITH.

Special City Bills Not Accepted by the Cities Affected

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 24, 1920

Memorandum filed with bills specified below.

NOT APPROVED.

The following bills have not been approved for the reason that they are special city bills and were not accepted by the cities in question in accordance with article XII, section 2, of the State Constitution:

Senate bill, Int. No. 63, Printed No. 1216, entitled:

"AN ACT to amend the Greater New York charter in relation to the duties of the trustees of Hunter College of the City of New York to report to the city authorities and to prescribe regulations for such reports."

Senate bill, Int. No. 456, Printed No. 1031, entitled:

"AN ACT to amend the Greater New York charter, in relation to the power of the police commissioner to grant leaves of absence for sickness."

Senate bill, Int. No. 631, Printed No. 1091, entitled:

"AN ACT to amend the Greater New York charter, in relation to the duties of the trustees of The College of the City of New York to report to the city authorities and prescribing regulations for such reports."

Senate bill, Int. No. 679, Printed No. 1740, entitled:

"AN ACT to amend the Greater New York charter, in relation to retirement from active service of officers, clerks and employees."

Senate bill, Int. No. 739, Printed No. 781, entitled:

"AN ACT to amend the Greater New York charter, in relation to assessments for construction of sewer systems."

Senate bill, Int. No. 752, Printed No. 1001, entitled:

"AN ACT to amend the Greater New York charter, in relation to the pension fund of the health department."

Senate bill, Int. No. 807, Printed No. 2222, entitled:

"AN ACT to amend the Greater New York charter, in relation to pensions to widows and orphans of members of the police force."

Senate bill, Int. No. 944, Printed No. 1543, entitled:

"AN ACT to amend the Greater New York charter, respecting the receipt, deposit and disbursement of public moneys, and abolishing the office of chamberlain."

Senate bill, Int. No. 990, Printed No. 1736, entitled:

"AN ACT to amend the Greater New York charter, in rela tion to the salary of wardens."

Senate bill, Int. No. 1074, Printed No. 1227, entitled:

"AN ACT to amend the Greater New York charter, in relation to retirement of clerks and other officers of the municipal court of the city of New York."

Senate bill, Int. No. 1124, Printed No. 1278 (Assembly Reprint No. 2228), entitled:

"AN ACT to amend the Greater New York charter, in relation to the teachers' retirement fund."

Senate bill, Int. No. 1244, Printed No. 1474, entitled:

"AN ACT to amend the Greater New York charter, in relation to retirement from active service of officers, clerks, and employees."

Senate bill, Int. No. 1466, Printed No. 1745, entitled:

"AN ACT to amend the Greater New York charter, so as to provide additional sources of revenue for the relief and pension fund for the benefit of the members of the clerical and uniformed forces of the department of street cleaning."

Assembly bill, Int. No. 175, Printed No. 1342, entitled:

"AN ACT to amend the Greater New York charter, in relation to notice of sale of tax liens for nonpayment of taxes, assessments or water rates."

Assembly bill, Int. No. 370, Printed No. 387, entitled:

"AN ACT to amend the Greater New York charter, in relation to the publication of list of registered voters."

Assembly bill, Int. No. 433, Printed No. 2160, entitled:

"AN ACT to amend the Greater New York charter, establishing the department of ferries."

Assembly bill, Int. No. 670, Printed No. 2150, entitled:

"AN ACT to amend the Greater New York charter, in relation to salaries of clerks, deputy clerks and assistant clerks of the municipal court of the city of New York."

Assembly bill, Int. No. 694, Printed No. 1855, entitled:

"AN ACT to amend the Greater New York charter, in relation to the reinstatement of policemen."

Assembly bill, Int. No. 715, Printed No. 2003, entitled:

"AN ACT to amend the Greater New York charter, in relation to the period of service of members of the police force of the board of water supply or appointed to the fire department of the city of New York."

Assembly bill, Int. No. 1066, Printed No. 1185, entitled:

"AN ACT to amend the Greater New York charter, in relation to pensions for members of the street cleaning force."

Assembly bill, Int. No. 1280, Printed No. 2243, entitled:

"AN ACT to amend the Greater New York charter, in relation to the method of paying for paving of streets."

Assembly bill, Int. No. 1316, Printed No. 2173, entitled:

"AN ACT to amend the Greater New York charter, in relation to publication of notice of proceedings to condemn property for street purposes in Queens county."

Assembly bill, Int. No. 1594, Printed No. 1916, entitled:

"AN ACT to amend the Greater New York charter, in relation to the teachers' retirement fund."

Senate bill, Int. No. 541, Printed No. 580, entitled:

"AN ACT to authorize the board of estimate and apportionment to hear, audit, and allow the alleged claim of Lizzie Scannell, as executrix of the last will and testament of George F. Scannell, deceased, against the city of New York."

Senate bill, Int. No. 751, Printed No. 793, entitled:

"AN ACT authorizing the police commissioner of the city of New York to rehear the charges upon which Elmer W. Heartt, formerly a patrolman in the police department of the said city, was dismissed from said department in the year nineteen hundred and two and to reinstate him in the position formerly held by him."

Senate bill, Int. No. 861, Printed No. 953, entitled:

"AN ACT to amend chapter four hundred and twelve of the laws of nineteen hundred and seven, entitled 'An Act providing for the court of general sessions of the city and county of New York, its judges and officers,' in relation to the retirement of its officers and employees."

Senate bill, Int. No. 1017, Printed No. 1156, entitled:

"AN ACT to amend chapter seven hundred and sixty of the laws of nineteen hundred and four, entitled 'An act authorizing the city of New York to acquire a site and to lease the same to the state for the establishment thereon of a reception hospital for the insane, and authorizing the commission in lunacy to erect such hospital,' in relation to the site of such hospital and the purposes thereof."

Senate bill, Int. No. 1210, Printed No. 1412, entitled:

"AN ACT in relation to certain claims against the city of New York."

Senate bill, Int. No. 1670, Printed No. 2138, entitled:

"AN ACT authorizing the police commissioner of the city of New York to rehear the charges upon which John Hasenstab, formerly a patrolman in the police department of said city, was dismissed from said department in the year nineteen hundred and one, and to reinstate him in the position formerly held by him."

Senate bill, Int. No. 1677, Printed No. 2145, entitled:

"AN ACT to amend chapter one hundred and fifty-two of the laws of eighteen hundred and ninety-four, entitled 'An act providing for the improvement of the land and water front adjacent to Riverside part in the city of New York by extending and improving said park, and regulating the use of said land and water front,' in relation to the maintenance of objectionable businesses upon certain lands in the city of New York."

Assembly bill, Int. No. 219, Printed No. 219, entitled:

"AN ACT authorizing the police commissioner of the city of New York to rehear the charges upon which William G. Frank, formerly a patrolman in the police department of said city, was dismissed from said department in the year nineteen hundred and nine, and to reinstate him in the position formerly held by him."

Assembly bill, Int. No. 333, Printed No. 920, entitled:

"AN ACT to authorize the laying out, opening and improvement of a public street in the borough of Brooklyn, in the city of New York, to connect Highland Park with Conduit avenue."

Assembly bill, Int. No. 342, Printed No. 1171, entitled:

"AN ACT authorizing the police commissioner of the city of New York to rehear the charges upon which Joseph E. Burke, formerly a patrolman in the police department of the said city, was dismissed from said department and to reinstate him in his former position."

Assembly bill, Int. No. 632, Printed No. 677, entitled:

"AN ACT to provide for the retirement of civilian employees of the fire department of the city of New York, injured or disabled in its service."

Assembly bill, Int. No. 1090, Printed No. 1215, entitled:

"AN ACT to amend chapter one hundred and sixty-four of the laws of nineteen hundred and seven, entitled 'An act to incorporate "The Queens Borough Public Library," and to permit libraries in the borough of Queens of the city of New York to convey their property thereto, and limiting and defining the powers thereof,' in relation to removal of trustees."

Assembly bill, Int. No. 1110, Printed No. 1263, entitled:

"AN ACT to amend the inferior criminal courts act of the city of New York, in relation to the children's court in the borough of Richmond."

Assembly bill, Int. No. 1331, Printed No. 1533, entitled:

AN ACT authorizing the police commissioner of the city of New York to restore James Quigley, a member of the police force of the city of New York, to the rank and grade of lieutenant of police formerly held by him."

Assembly bill, Int. No. 1451, Printed No. 1679, entitled:

AN ACT to provide for the expense of widening and extending Elm street in the borough of Manhattan, city of New York."

Assembly bill, Int. No. 1699, Printed No. 2083, entitled:

"AN ACT to amend the New York city municipal court code, in relation to depositions in summary proceedings to recover the possession of real property."

Senate bill, Int. No. 1408, Printed No. 2046, (Assembly reprint No. 2279) entitled:

"AN ACT to amend the charter of the city of Jamestown, in relation to the estimate, amount and payment of charges for water and electricity used by the city for public purposes and the levying and collection of taxes therefor."

Senate bill, Int. No. 1548, Printed No. 1927, entitled:

"AN ACT to amend the charter of the city of Lockport, providing for the appointment of one assessor instead of two."

Senate bill, Int. No. 838, Printed No. 886, entitled:

"AN ACT to legalize the proceedings of the city of Middletown, the common council and board of education thereof, in relation to the issuing and sale of bonds of said city for erecting a grammar school therein, and providing for the payment thereof."

Assembly bill, Int. No. 318, Printed No. 1708, entitled:

"AN ACT to amend the Niagara Falls charter, generally."

Assembly bill, Int. No. 1612, Printed No. 1934, entitled:

"AN ACT to authorize the city of Mount Vernon to provide shelter for such of its poor as have been or may be evicted from their homes, to acquire the necessary lands and buildings therefor, and to finance the cost thereof by the issuance of bonds or certificates of indebtedness."

Senate bill, Int. No. 191, Printed No. 193, entitled:

"AN ACT to amend chapter fifty-three of the laws of eighteen hundred and eighty-two, entitled 'An act to provide for erecting and completing an addition to the town hall in Saratoga Springs.'"

Assembly bill, Int. No. 1270, Printed No. 1433, entitled:

"AN ACT to amend the code of civil procedure, in relation to the retirement of officers and employees of the city court of the city of New York, and providing for their compensation, and establishing a retirement fund therefor."

(Signed) ALFRED E. SMITH.

To Amend the Stock Corporation Law so as to Permit a Corporation Organized Thereunder, with Authority to Transact More than One Kind of Business, to Subdivide Itself Into Other Corporations Without Increasing Its Capital Stock

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 24, 1920

Memorandum filed with Assembly bill, Int. No. 1026, Printed No. 2032, entitled:

"AN ACT to amend the stock corporation law, in relation to separation of the powers of a stock corporation."

NOT APPROVED.

This bill seeks to amend the stock corporation law so as to permit a corporation organized thereunder, and authorized to transact more than one kind of business, to subdivide itself into other corporations without increasing its capital stock. If it were to become a law, it would mean in effect that a corporation authorized to transact more than one kind of business could within itself, upon the consent of two-thirds of its stockholders, organize as many corporations as it had classes of business to transact, without bringing into the corporation any new property or any new capital stock.

It was held by the Court of Appeals in the case of Schwab v. Potter Co., 194 N. Y. 409, that, under the existing law, a corporation had no such powers, and condemned the theory upon the ground that it might involve the stockholders in transactions and necessary liabilities that were never contemplated when they subscribed for the capital stock in the original corporation.

Were it not for the fact that I have information that others were interested in this bill, I should think that it was drawn for the purpose of getting around the decision of the Court of Appeals in this particular case. But from the information presented to me, I have concluded that this bill was drawn to fit some other particular case. If my information is correct, it would seem to me that a special bill might better be presented to fit the particular case than to approve a bill so general in its terms as this one, making as it does such a radical change in the whole theory upon which the Stock Corporation Law is founded.

For the above reasons the bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Penal Law, in Relation to Disorderly Children

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 24, 1920

Memorandum filed with Senate bill, Int. No. 98, Printed No. 98, entitled:

"AN ACT to amend the penal law, in relation to disorderly children."

NOT APPROVED.

This bill proposes an amendment to the Penal Law raising from sixteen to eighteen years the age at which a child may be deemed disorderly.

I do not believe it the better part of wisdom to make any change in the Penal Law, so far as it refers to children, at this particular time, in view of the fact that I have already signed a bill creating a commission, which is empowered to study the whole question and the effect of all laws on our statute books in relation to children and to suggest remedial legislation at the next session of the Legislature. In view of the fact that it has been certified to me by those who are in a position to know that very few cases would come within the purview of the proposed statute, I am of the opinion that the matter should be left for investigation to the commission created by chapter 699 of the Laws of 1920.

For the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Greater New York Charter, in Regard to the Date of Publication of the Departmental Estimates and the Printed Form of the City Budget

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 24, 1920

Memorandum filed with Assembly bill, Int. No. 331, Printed No. 343, entitled:

"AN ACT to amend the Greater New York charter, in relation to the annual city budget."

NOT APPROVED.

This bill proposes an amendment to the New York City charter in regard to the date of publication of the departmental estimates and the printed form of the city budget. Both of these proposals are meritorious. If the publication of the departmental estimates is to serve any real use it should take place early enough to make the information available to the public. This is not the case at present. The proposed change in regard to the publication of the budget would require that in every succeeding stage of its preparation the items of the last year's budget, the departmental estimates, and the itemized amounts of the proposed and tentative budget shall be carried in parallel columns. In place of a chaotic array of figures difficult to analyze and scattered through several different volumes, all the data would appear in compact form in each print of the budget and in such a manner as to make the facts easily available for all interested persons. Both proposed changes are in the interest of proper publicity and follow generally the plan I have put in operation in regard to the State budget.

Nevertheless, the fact remains that the changes proposed can be brought about by action of the Board of Estimate and Apportionment without a mandatory charter requirement. The Mayor vetoed this bill presumably on that ground, although without filing a statement of his reasons. The Legislature passed the bill over his veto and it is now before me.

I have heretofore consistently refused to approve any bill which the authorities of any city oppose, in the belief that this was a practical application of the home rule principle. In this particular case I have less hesitation in disapproving a meritorious proposal which would bring about an undoubted improvement by reason of the fact that I am given to understand that the present Board of Estimate and Apportionment will by order put such a plan in operation in the formulation of the next budget.

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Amend Chapter 585 of the Laws of 1918, entitled "An Act Relating to the Construction of Public Works and Known as the 'War Contract Law'"

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 24, 1920

Memorandum filed with Senate bill, Int. No. 1219, Printed No. 1421, entitled:

"AN ACT to amend chapter five hundred and eighty-five of the laws of nineteen hundred and eighteen, entitled 'An act relating to the construction of public works.'"

NOT APPROVED.

This bill seeks to amend chapter 585 of the Laws of 1918, commonly referred to as the Walters Act, which was passed for the purpose of permitting the State, or any of its municipalities, to give relief to contractors engaged in public work, because of the abnormal conditions growing out of the state of war between the United States and the Imperial German Government.

At the hearing had upon this bill it clearly developed that it was intended primarily for the relief of subway contractors in the city of New York, and I am informed that it was drawn State-wide in its character because the proponents of the bill were unwilling to have it submitted to the Mayor of that city. It is drawn to affect two classes of contractors: First, any holder of a contract made prior to April 6, 1917, who shall have been required to proceed with or complete his contract during the period of the war; and second, any holder of a contract who proceeded with or completed his contract during the period of the war as a result of any promise or assurance made or given to the contractor by any public officer or board of the State, or of any county, municipality or political subdivision of the State.

It is quite evident that by comprehending both classes relief is extended, in the case of class one, to contractors throughout the State who, so far as I know, have made no application for such relief; and it is certified to me by mayors of other cities affected by the provisions of this bill that so far as class one is concerned the State is practically in the position of inviting men to begin a court proceeding to recover against a municipality judgment upon a claim for any increased cost and expense under any contract coming within the purview of this proposed act. This particular provision of the bill is vigorously opposed by several of the larger as well as smaller cities of the State. With regard to contractors who come under class two, there is undoubtedly much to be said in favor of the contention of subway contractors who received promise or assurance from public boards or public officers that relief would be forthcoming if they proceeded diligently with the carrying out of their contracts. The minutes of the Board of Estimate and Apportionment of the city of New York disclose a resolution adopted jointly by that board and the Public Service Commission which indicates that promise and assurance were held out to contractors if they would continue the subway work. Acting upon that promise, salaries and wages of men in the employ of the contractors were raised to meet the demands incident to war conditions. That, however, is a matter that involves the faith of the city and the obligation resting upon it to make good its promises. A wholly different question is presented to me, which in substance is as follows: Shall I, in order to guarantee the good faith of the city, where its promise has been given through its duly elected officials, put my signature to a State-wide bill affecting localities which neither asked for nor desired the proposed legislation? Further than that, shall I, by throwing the whole matter into the courts, as this bill provides, take from the elected officials of the various cities of the State the settlement of these questions, for which there rests with them ample power, under existing statutes? To my way of thinking, the bill is altogether too wide and permits of operations not contemplated by the proponents of the measure. If every claimant against a city, clothed with power to meet the claim, can resort to Albany and have local authority brushed aside, we had better all stop talking about local self-government or home rule.

The determination of the matters involved in excess cost on contracts is administrative and should not be made a judicial function. In no way could these contractors' claims come before the courts, were it not for the fact that the bill before me, in so many words, declares these claims to be valid and legal claims against, and obligations of the State, county, municipality or political subdivision of the State. When this matter reaches the courts, it is thereafter a question of bookkeeping. I am unable to understand what defense the municipality would have against these claims, and it would be forced to the position of attacking the validity of the statute itself. If the State is to take from the administrative authorities of the city of New York, or any other city, the adjustment of these claims, by substituting some other authority, that other authority should be administrative, and, in the case of the city of New York, where the

largest operations might be expected under the bill, there is now such administrative authority in the person of the Rapid Transit Subway Construction Commissioner.

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

Omnibus Veto

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 25, 1920.

Memorandum filed with bills specified below:

NOT APPROVED.

The following bills are not approved because they are either duplicates or unnecessary, or defectively drawn, or are embraced in or in conflict with bills already signed, or are unconstitutional, or are for purposes which can be suitably accomplished under general laws, or should be provided for, if at all, by amendment to the general law, or are objectionable or inadvisable by reason of proposed changes.

Senate bill, Int. No. 37, Printed No. 37, entitled:

"AN ACT to amend the general municipal law, in relation to allowances by local boards of child welfare."

Senate bill, Int. No. 165, Printed No. 2090, entitled:

"AN ACT to amend the tax law, in relation to providing for the taxation of the capital stock of freight car companies."

Senate bill, Int. No. 223, Printed No. 1124, entitled:

"AN ACT to repeal section fourteen of chapter one hundred and thirty-five of the laws of eighteen hundred and eighty-four, entitled 'An act providing for the better collection of taxes in the county of Erie; for the sale by the treasurer thereof of lands in said county for unpaid taxes, and regulating the compensation of said treasurer,' relating to publication of list of unpaid taxes and notice of sale in newspaper published in German language."

Senate bill, Int. No. 285, Printed No. 290, entitled:

"AN ACT to amend the election law, in relation to primaries in Monroe county."

Senate bill, Int. No. 288, Printed No. 293, entitled:

"AN ACT to amend the membership corporations law, in relation to the rights of cemetery lot owners in cities of the first class."

Senate bill, Int. No. 292, Printed No. 2211, entitled:

"AN ACT to amend chapter four hundred and fifty-seven of the laws of eighteen hundred and ninety, entitled 'An act to provide for the care, control and management of the cemetery in the ninth ward of the city of Syracuse,' in relation to the powers of the board of trustees thereof."

Senate bill, Int. No. 363, Printed No. 370, entitled:

"AN ACT to amend the election law, in relation to meetings for registration."

Senate bill, Int. No. 420, Printed No. 446, entitled:

"AN ACT to amend the insanity law, in relation to empowering the state hospital commission to act as a committee of the estates of certain incompetent persons."

Senate bill, Int. No. 434, Printed No. 461, entitled:

"AN ACT making appropriations for the New York State Veterinary College for the eastern portion of the state, at New York University, New York City."

Senate bill, Int. No. 493, Printed No. 527, entitled:

"AN ACT to amend the tax law, in relation to tax appraisers in the county of New York."

Senate bill, Int. No. 551, Printed No. 589, entitled:

"AN ACT to amend chapter one hundred and twenty-three of the laws of nineteen hundred and nineteen, entitled 'An Act repealing chapter three hundred and sixty-nine of the laws of nineteen hundred and seventeen, entitled "An act establishing a state council of defense and defining the powers and duties of such council and making an appropriation therefor," in relation to the disposition of books, papers, records and documents of the state council of defense.'"

Senate bill, Int. No. 857, Printed No. 919, entitled:

"AN ACT making an appropriation for the state's share of the cost of construction and improvement of rural post roads within the state under the provisions of certain acts of congress which provide that the United States shall aid in the construction of rural post roads and for other purposes, to be expended in accordance with article six-a of the highway law."

Senate bill, Int. No. 860, Printed No. 1919, entitled:

"AN ACT to amend the county law, in relation to compensation of certain county judges."

Senate bill, Int. No. 918, Printed No. 1024, entitled:

"AN ACT to enable the board of regents of the University of the State of New York to certify to the board of law examiners applicants for admission to the bar."

Senate bill, Int. No. 929, Printed No. 1042, entitled:

"AN ACT to amend the insanity law, in relation to the extradition of persons of unsound mind."

Senate bill, Int. No. 981, Printed No. 1106, entitled:

"AN ACT to amend the code of civil procedure, in relation to costs and disbursements in the court of claims where damages are awarded for the appropriation of land."

Senate bill, Int. No. 1029, Printed No. 1695, entitled:

"AN ACT to amend the highway law, in relation to adoption of county road system, the designation, construction and maintenance thereof, the issuance of bonds and levy and collection of taxes therefor."

Senate bill, Int. No. 1047, Printed No. 1787, entitled:

"AN ACT to amend the tax law, in relation to tax appraiser in the county of Albany."

Senate bill, Int. No. 1214, Printed No. 2106, entitled:

"AN ACT to amend the code of civil procedure, in relation to exemptions and executions."

Senate bill, Int. No. 1469, Printed No. 1748, entitled:

"AN ACT making an appropriation for an investigation by the conservation commission as to methods for the stocking and protection of fish in Fulton and Hamilton counties."

Senate bill, Int. No. 1478, Printed No. 1775, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the estate of Edward Rowan against the state for moneys advanced for the construction of a bridge over the Ausable river in Clinton county."

Senate bill, Int. No. 1537, Printed No. 1891, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of David M. Vail against the state for damages alleged to have been sustained by him by reason of reimbursing an inmate of Sing Sing prison for the loss of certain personal property in the custody of the claimant, and without his fault, and to render judgment therefor."

Senate bill, Int. No. 1560, Printed No. 1939, entitled:

"AN ACT to amend the real property law, in relation to demands of increased rentals by certain persons."

Senate bill, Int. No. 1626, Printed No. 2061, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the alleged claim of Alice E. Smith as administratrix of the goods, chattels and credits of William L. Smith, whose death occurred while an inmate of the Manhattan State Hospital on or about the third day of November, nineteen hundred and eight."

Senate bill, Int. No. 1661, Printed No. 2124, entitled:

"AN ACT to provide for the preparation of an official edition of the consolidated laws, and making an appropriation therefor."

Senate bill, Int. No. 1703, Printed No. 2197, entitled:

"AN ACT to amend the election law, in relation to the time for holding the fall primary, and to supplement provisions of such law relating to nomination of justices of the supreme court."

Senate bill, Int. No. 1719, Printed No. 2233, entitled:

"AN ACT to amend the labor law, in relation to one day of rest in seven."

Assembly bill, Int. No. 279, Printed No. 2086, entitled:

"AN ACT to amend the state charities law, in relation to admission of veterans of the world war to the New York State Woman's Relief Corps Home."

Assembly bill, Int. No. 425, Printed No. 2174, entitled:

"AN ACT to amend the election law, in relation to the fees of election officers."

Assembly bill, Int. No. 515, Printed No. 551, entitled:

"AN ACT to amend the judiciary law, in relation to salaries of attendants of the county court of the county of Bronx."

Assembly bill, Int. No. 636, Printed No. 687, entitled:

"AN ACT to amend the Greater New York charter, in relation to the salaries of commissioners of parks."

Assembly bill, Int. No. 644, Printed No. 695, entitled:

"AN ACT to amend chapter five hundred and forty-eight of the laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven and all acts amendatory thereof and supplemental thereto,' in relation to compensation of employees in the sheriff's office."

Assembly bill, Int. No. 658, Printed No. 993, entitled:

"AN ACT to amend the judiciary law, in relation to salaries of the attendants of the supreme court in the first judicial district."

Assembly bill, Int. No. 707, Printed No. 2040, entitled:

"AN ACT to amend the code of civil procedure, in relation to presumption of death and time in which actions, depending on the death of a person, may be commenced."

Assembly bill, Int. No. 1100, Printed No. 2211, entitled:

"AN ACT to amend the election law, in relation to compensation of election officers in cities of over one million inhabitants."

Assembly bill, Int. No. 1179, Printed No. 2220, entitled:

"AN ACT to amend the judiciary law, in relation to the salary of the state reporter."

Assembly bill, Int. No. 1188, Printed No. 1353, entitled:

"AN ACT to amend the legislative law, in relation to officers and employees of the legislature."

Assembly bill, Int. No. 1218, Printed No. 1383, entitled:

"AN ACT to amend the general municipal law, in relation to local boards of child welfare."

Assembly bill, Int. No. 1288, Printed No. 2090, entitled:

"AN ACT to amend the tax law, in relation to transfer tax appraisers, clerks and stenographers in certain counties."

Assembly bill, Int. No. 1290, Printed No. 1854, entitled:

"AN ACT to amend chapter five hundred and forty-eight of the laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of Bronx, in in the city of New York, as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven and all acts amendatory thereof and supplemental thereto,' in relation to salaries of employees of the sheriff's office."

Assembly bill, Int. No. 1442, Printed No. 1663, entitled:

"AN ACT to amend the judiciary law, in relation to official referees.'

Assembly bill, Int. No. 1448, Printed No. 1676, entitled:

"AN ACT to amend the education law, in relation to consolidation of school districts."

Assembly bill, Int. No. 1498, Printed No. 1746, entitled:

"AN ACT to amend the town law, in relation to the compensation of constables in certain towns."

Assembly bill, Int. No. 1566, Printed No. 1863, entitled:

"AN ACT to amend the county law, in relation to the salary or compensation of county officers and employees."

Assembly bill, Int. No. 1656, Printed No. 2244, entitled:

"AN ACT to amend the personal property law, to provide a short form for a general power of attorney."

Assembly bill, Int. No. 1657, Printed No. 2249, entitled:

"AN ACT to amend the real property law, to provide a short form for a general power of attorney."

Assembly bill, Int. No. 1675, Printed No. 2159, entitled:

"AN ACT in relation to the application of chapter one hundred and thirty-seven of the laws of nineteen hundred and twenty to summary proceedings to recover the possession of real property instituted in the city of Rochester."

(Signed) ALFRED E. SMITH.

APPROPRIATION BILLS

Items of Appropriation for the State Assembly, Being in Addition to Those Provided by the General Appropriation Bill

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 6, 1920.

The following item contained in Senate bill, Int. No. 1705, Printed No. 2199, entitled:

"AN ACT making appropriations for the support of government in addition to those provided by chapter one hundred and sixty-five of the laws of nineteen hundred and twenty, and including provisions relating to certain appropriations made by such chapter."

is hereby objected to and not approved for the reason hereinafter stated, to wit:

LEGISLATIVE

THE ASSEMBLY

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"For printing charges, briefs and reports of the judiciary committee in the investigation of the qualifications of certain members of the Assembly and for distribution thereof"..... $25,000

This item is disapproved for the reason that sufficient funds are appropriated in the contingent fund to cover the items in this appropriation, if there is any necessity for such an expenditure.

(Signed) ALFRED E. SMITH.

Appropriation for Expenses in Connection with the Investigation of the Western House of Refuge for Women, at Albion

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920.

Memorandum filed with Senate bill, Int. No. 1410, Printed No. 1654, entitled:

"AN ACT making an appropriation for expenses in connection with the investigation of the Western House of Refuge, at Albion."

NOT APPROVED.

This bill makes an appropriation of one thousand dollars to pay counsel fees for the Superintendent of the Western House of Refuge at Albion.

The terms of the resolution which passed both houses of the Legislature provided for an investigation into the affairs and management of the Western House of Refuge. There was no rea-

son why the Superintendent should have been represented by a lawyer. If she found any necessitv for such a thing, she should pay the bill.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Appropriation to Provide Service Badges and Ribbons for Certain Officers and Enlisted Men of the Military Forces of the State

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920.

Memorandum filed with Assembly bill, Int. No. 249, Printed No. 1345, entitled:

"AN ACT to provide service badges and ribbons for certain officers and enlisted men of the military forces of the State of New York, and making an appropriation therefor."

NOT APPROVED.

I have already signed a bill making an appropriation for this purpose that I am informed is adequate to carry out the intentions of the bill.

This bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

Appropriation for Payment of Principal and Interest on the Debt for the Saratoga Springs Reservation

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920.

Memorandum filed with Assembly bill, Int. No. 1514, Printed No. 1762, entitled:

"AN ACT making an appropriation for the payment of the principal and interest on the debt for the Saratoga Springs state reservation, for the fiscal year beginning on the first day of July, nineteen hundred and twenty, contracted under chapter five hundred and sixty-nine of laws of nineteen hundred and nine, as amended by chapter three hundred and ninety-four of the laws of nineteen hundred and eleven."

NOT APPROVED.

This bill makes an appropriation for the payment of the principal and interest on the debt for the Saratoga Springs reservation. It is identical with Senate bill, Int. No. 1306, Printed No. 1499, which I have already approved, and this bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Appropriation from the Sinking Funds of the State for the Payment of Interest on the State Debt

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920.

Memorandum filed with Assembly bill, Int. No. 1515, Printed No. 1763, entitled:

"AN ACT making appropriations from the sinking funds of the state for the payment of the interest on the state debt."

NOT APPROVED.

This bill is identical with Senate bill, Int. No. 1305, Printed No. 1498, which has already been approved by me.

This bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Executive Law so as to Authorize the Attorney-General to Investigate Violations of the Criminal Anarchy Statute, and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920.

Memorandum filed with Senate bill, Int. No. 1118, Printed No. 1272, entitled:

"AN ACT to amend the executive law, in relation to powers of attorney-general with respect to prosecutions for criminal anarchy, and making an appropriation therefor."

NOT APPROVED.

This bill adds to the Executive Law two sections. The first authorizes the attorney-general to conduct investigations and prosecutions of violations of the criminal anarchy statute and to appear before the grand jury to secure indictments therefor. It authorizes him to issue subpoenas and compel the attendance of witnesses, and gives him concurrent jurisdiction with the district attorneys.

The second section creates a bureau in the office of the attorney-general to conduct such prosecutions and authorizes him to employ investigators, process servers and other assistants, without civil service examination.

This bill must be read in connection with chapter 595 of the Laws of 1917, which was a war measure authorizing the attorney-general to conduct secret inquiries into matters concerning public peace, safety or justice. The existence of a bureau of secret police may be justified as a war measure during the existence of a state of war, but certainly in a democracy there can be no justification for expanding and increasing the powers of such a secret police bureau in times of peace. There is no just cause for providing any different method for enforcing the criminal anarchy statute from that employed in

enforcing the other penal laws of the state — through the agencies of the grand jury, the magistrate and the district attorneys of the respective counties of the State.

The traditional abhorrence of a free people of all kinds of spies and secret police is valid and justified and calls for the disapproval of this measure.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Education Law, in Relation to Qualifications of Teachers, and making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920.

Memorandum filed with Senate bill, Int. No. 1121, Printed No. 1275, Assembly Reprint No. 2165, entitled:

"AN ACT to amend the education law, in relation to the qualifications of teachers, and making an appropriation for expenses."

NOT APPROVED.

This bill provides that every public school teacher in the State shall obtain a certificate from the Commissioner of Education to the effect that he or she is of good moral character, and has shown satisfactorily that he or she will support the State and Federal Constitutions and is loyal " to the institutions and laws thereof." The certificate may be revoked without hearing on the ground that the Commissioner may find that the teacher is not "loyal to the institutions of the United States and of the State of New York and the laws thereof." The test established is not what the teacher teaches but what the teacher believes, and the effect of the bill would be to make the Commissioner of Education the sole and arbitrary dictator of the personnel of the teaching force of the State in its public schools.

This bill must be judged by what can be done under its provisions. It permits one man to place upon any teacher the stigma of disloyalty and this even without hearing or trial. No man is so omniscient or wise as to have entrusted to him such arbitrary and complete power not only to condemn any individual teacher but to decree what belief or opinion is opposed to what he deems to be the institutions of the country.

No teacher could continue to teach if he or she entertained any objection, however conscientious, to any existing institution. If this law had been in force prior to the abolition of slavery, opposition to that institution which was protected by the Constitution and its laws, would have been just cause for the disqualification of a teacher. There is required of the teacher not only loyalty to the Constitution and laws of the State but also loyalty to what is described as the institutions of the United States and of the State of New York.

Opposition to any presently established institution, no matter how intelligent, conscientious or disinterested this opposition might be,

would be sufficient to disqualify the teacher. Every teacher would be at the mercy of his colleagues, his pupils and their parents, and any word or act of the teacher might be held by the Commissioner to indicate an attitude hostile to some of "the institutions of the United States" or of the State.

The bill unjustly discriminates against teachers as a class. It deprives teachers of their right to freedom of thought, it limits the teaching staff of the public schools to those only who lack the courage or the mind to exercise their legal right to just criticism of existing institutions. The bill confers upon the Commissioner of Education a power of interference with freedom of opinion which strikes at the foundations of Democratic education.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Amend the Education Law, in Relation to Licensing and Supervision of Schools, and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920.

Memorandum filed with Senate bill, Int. No. 1120, Printed No. 1767, entitled:

"AN ACT to amend the education law, in relation to licensing and supervision of schools and school courses, and making an appropriation therefor."

NOT APPROVED.

This bill provides in substance that no school shall be conducted in this State without a license from the Board of Regents and that no license shall be granted by the Board of Regents unless that Board is satisfied that the instruction proposed will not be "detrimental to the public interest." Power is also granted to the Regents to revoke any license. Certain specific schools, such as public schools, schools conducted by well recognized religious denominations and others, are excluded from the operation of the bill. No criterion is established by which there shall be determined what is or is not "detrimental to the public interest" and the standard proposed is as vague as it can possibly be made.

This mere statement of the provisions of this bill is sufficient to demonstrate that in details it is wholly impossible of just enforcement. I prefer, however, to rest my disapproval of it not solely nor chiefly on that ground, but on the broader ground that in fundamental principle the bill is vicious. Its avowed purpose is to safeguard the institutions and traditions of the country. In effect, it strikes at the very foundation of one of the most cardinal institutions of our nation — the fundamental right of the people to enjoy full liberty in the domain of idea and speech. To this fundamental right there is and can be under our system of government but one limitation, namely, that the law of the land shall not be transgressed,

and there is abundant statute law prohibiting the abuse of free speech. It is unthinkable that in a representative democracy there should be delegated to any body of men the absolute power to prohibit the teaching of any subject of which it may disapprove.

This bill seeks to bring within the power of prohibition of the Board of Regents every subject, political, ethical, religious or scientific. Under its provisions they might decree that it was inimical to the public interest to give instruction on the theory of the single tax, on minimum wage, on child labor laws, and on public regulation of industry. It would then become a crime to instruct in any subject which in the judgment of this Board was inimical to the public interest. The free play of public opinion, resting upon freedom of instruction and discussion within the limits of the law, would be destroyed and we should have the whole sphere of education reduced to a formula prescribed by governmental agency.

The clash of conflicting opinions, from which progress arises more than from any other source, would be abolished by law; tolerance and intellectual freedom destroyed and an intellectual autocracy imposed upon the people. The destruction of the German Empire, through the blind inability of its people to understand the spirit of free institutions, is a striking example of the ruin that may ensue from forcing into a narrow, governmental mold the processes of education. The proponents of these bills urge that they are essential to the protection of the community against radical opinion. I might rest upon the saying of Benjamin Franklin that "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." But I go further — the safety of this government and its institutions rests upon the reasoned and devoted loyalty of its people. It does not need for its defense a system of intellectual tyranny which, in the endeavor to choke error by force, must of necesssity crush truth as well. The profound sanity of the American people has been demonstrated in many a crises, and I, for one, do not believe that governmental dictation of what may and may not be taught is necessary to achieve a continuance of the patriotism of our citizenship, and its loyal support of the government and its institutions.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

Twelve Bills Carrying Appropriations and Providing for the Construction of Bridges Crossing the Canal at Various Points

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920.

Memorandum filed with bills specified below:

Assembly bill, Int. No. 315, Printed No. 327, entitled:

"AN ACT to provide for the construction of a plate girder bridge over the canal at East street, Fort Edward, and making an appropriation therefor."

Assembly bill, Int. No. 316, Printed No. 328, entitled:

"AN ACT to provide for the construction of a plate girder bridge over the canal at Pearl street, Hudson Falls, and making an appropriation therefor."

Assembly bill, Int. No. 317, Printed No. 329, entitled:

"AN ACT to provide for the construction of a plate girder bridge over the canal at Notre Dame street, Fort Edward, and making an appropriation therefor."

Senate bill, Int. No. 1601, Printed No. 2021, entitled:

"AN ACT to provide for the construction of a bridge over the Cayuga and Seneca canal (unimproved) at Virginia street, in the village of Waterloo, and making an appropriation therefor."

Senate bill, Int. No. 1602, Printed No. 2022, entitled:

"AN ACT to provide for the construction of a bridge over the Glens Falls feeder of the Champlain canal with the necessary approaches and abutments at a point about one mile east of the city of Glens Falls, and making an appropriation therefor."

Senate bill, Int. No. 1667, Printed No. 2130, entitled:

"AN ACT to provide for the construction of a plate girder bridge in place of the present bridge, over the Black River canal, at Main street, Port Leyden, and making an appropriation therefor."

Senate bill, Int. No. 1675, Printed No. 2143, entitled:

"AN ACT to provide for the construction of a bridge over the unimproved Champlain canal at Broad street, Waterford, and making an appropriation therefor."

Senate bill, Int. No. 1680, Printed No. 2148, entitled:

"AN ACT to provide for the construction of a bridge over the Black river at Stanwix street, Rome, and making an appropriation therefor."

Senate bill, Int. No. 1681, Printed No. 2149, entitled:

"AN ACT to provide for the construction of a bridge over the Black river canal, in the town of Boonville, Oneida county, to take the place of Diefendorf or Tharaft bridge, and making an appropriation therefor."

Senate bill, Int. No. 1682, Printed No. 2150, entitled:

"AN ACT to provide for the construction of a bridge over the Black River canal, in the town of Boonville, Oneida county, to take the place of Baker bridge, and making an appropriation therefor."

Senate bill, Int. No. 1683, Printed No. 2151, entitled:

"AN ACT to provide for the construction of a bridge over the Black River canal, in the town of Western, Oneida county, to take the place of the Hall Farm bridge, and making an appropriation therefor."

Senate bill, Int. No. 1684, Printed No. 2152, entitled:

"AN ACT to provide for the construction of a bridge over the Black River canal, in the town of Western, Oneida county, to take the place of the Hillside Change bridge, and making an appropriation therefor."

The above bills are disapproved for the following reasons:

These twelve bridges are the property of the State and cross the canal at various points. I am not at all satisfied that there is necessity for the construction of new bridges to take their place. Abundant appropriation has been given to the Department of Public Works for repairs and maintenance of the canal. From that account can be paid the necessary money for repairs to keep these bridges in condition.

I can readily understand why there should be a local desire for the construction of a new and modern bridge in any locality in the State, as long as it is paid for entirely with State money. The necessity for it, however, is another question. This is not a good time to enter into contracts for the construction of a half million dollars' worth of bridges. I am further of the opinion that the amounts herein appropriated will not meet the ultimate expense. No plans have been filed, and we have but a rough engineering estimate. The policy in the past has been to keep down the price of improvements of this kind in the original bill, committing the State to the construction, and thereafter seeking deficiency appropriations in order to carry the work to completion.

The State should have some definite policy with regard to all structures on the canal. The making of outright appropriations from current revenues for the replacement of bridges is not good business. It is no argument to say that these bridges are old. The Brooklyn Bridge is not young, and has been subjected all during its life to a very terrific strain, but with proper care and repairs made promptly it meets the demands. I believe that something can be done with these existing structures, and, if necessary, the Superintendent of Public Works could make available a good deal of his maintenance and repair money in the care of all these bridges.

Some of the bills included in this veto have been passed back and forth between both Houses of the Legislature for a number of years. Many have been vetoed times out of number, and upon each occasion it was alleged by interested citizens in the locality that the bridge was about to fall. It might be well, as a matter of State policy, that the next bond issue for the completion of the canal be made broad enough to replace existing structures with modern bridges. That would be the reasonable, businesslike treatment of this matter.

For all of the reasons given above, the bills are disapproved.

(Signed) ALFRED E. SMITH.

To Provide for the Preparation of an Official Index of the Civil Practice Act and Other Acts Relating to Civil Practice and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920.

Memorandum filed with Senate bill, Int. No. 1566, Printed No. 2112, entitled:

"AN ACT providing for the preparation of an official index of the civil practice act and other acts relative to civil practice, and for the publication of an official edition of the civil practice act, and making an appropriation therefor."

NOT APPROVED.

This bill seeks to appropriate $10,000.00 for the making of an analytical index of the Civil Practice Act, the Surrogate Court Act, the Justice Court Act and other civil practice provisions of the Consolidated Laws.

I have approved a number of bills that are commonly known as a revision of the Civil Practice in this State. None of these bills take effect until April, 1921. It is entirely possible that the next session of the Legislature may repeal or entirely change these bills, and I cannot see the necessity of appropriating money to index these acts until at least they go into effect.

For these reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Provide for the Preparation of Plans and Specifications for a Stock Judging Amphitheatre and a Horticultural Building on the State Fair Grounds at Syracuse, and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920.

Memorandum filed with Senate bill, Int. No. 1387, Printed No. 2059, entitled:

"AN ACT authorizing the preparation of plans and specifications for a stock judging amphitheatre and a horticultural building on the state fair grounds at Syracuse and making an appropriation therefor."

NOT APPROVED.

This bill appropriates $5,000.00 for the necessary expenses incurred in preparing plans and specifications for a stock judging amphitheatre and a horticultural building on the State Fair Grounds at Syracuse. Ample funds for preparing such plans and specifications for said public buildings have been appropriated to the State Department of Architecture, and if these plans and

specifications are necessary they should be prepared by this Department without an additional appropriation.

For the above reason the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Provide for the Relocating of the Channel of Falls Creek, in the Village of Montour Falls, and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Assembly bill, Int. No. 1083, Printed No. 1208, entitled:

"AN ACT to provide for the relocating of the channel of Falls creek, in the village of Montour Falls, and making an appropriation therefor."

NOT APPROVED.

This bill proposes an appropriation of $30,000 to relocate the channel of Falls Creek, in the Village of Montour Falls.

The Superintendent of Public Works is without any knowledge of it, and I am unable to understand the State's obligation to make this improvement.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Completion of the Improvement of Chadakoin River at the City of Jamestown

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Senate bill, Int. No. 1546, Printed No. 1925, entitled:

"AN ACT making an appropriation for the completion of the improvement of Chadakoin river east of Main street in the city of Jamestown."

NOT APPROVED.

This bill makes an appropriation of $15,000, and by its title indicates that the money is to be used for the completion of the improvement of Chadakoin River east of Main Street in the City of Jamestown.

The Superintendent of Public Works informs me that the purpose of this bill is to clear up an indebtedness which was incurred in the original contract, and that no additional work is entered into by it. If that be true, the bill would entirely fail of its purpose, because under its wording no payment could be made by the Comptroller's office for it unless additional work had been

authorized, as the bill plainly calls for the completion of work. It is certified to me that the work is completed. The bill should have been in the form of a deficiency appropriation to meet the cost of the previous work.

For the reasons given above the bill cannot be signed, and it is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Payment of Claims on Account of Expenses Incurred by Certain Individuals in the War of 1812

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Assembly bill, Int. No. 266, Printed No. 269, entitled:

"AN ACT making an appropriation for the payment of claims audited and revised under chapter one hundred and seventy-six of the laws of eighteen hundred and fifty-nine, on account of expenses incurred by certain individuals in the War of Eighteen Hundred and Twelve."

NOT APPROVED.

I vetoed a bill identical with this at the last session. I said at that time that I believed that it was in conflict with section 19 of Article III of the Constitution, which section provides that the Legislature shall neither audit nor allow any private claim or account against the State.

I still entertain that belief. If this is a legitimate claim, it ought to be either passed upon by the Attorney-General or an enabling act passed allowing it to be brought before the Court of Claims in order that there may be a judicial determination as to its legality. Certainly there is nothing before me that leads me to believe that an outright appropriation of public money should be made for this purpose.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Establishment of a Game Farm in Broome County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Assembly bill, Int. No. 1675, Printed No. 2057, entitled:

"AN ACT making an appropriation for the equipment, purchase and stocking of a game farm in Broome county."

NOT APPROVED.

This bill makes an appropriation of $25,000 for the establishment of a game farm.

I am strongly of the opinion that until the State is better off financially and some of the taxes weighing heavily upon our people can either be reduced or abolished, the State should not establish any more game farms. We have sufficient game farms to meet all our needs at the present time.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Establishment of a Game Farm in the Eighth Judicial District

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Assembly bill, Int. No. 448, Printed No. 475, entitled:

"AN ACT to provide for the acquisition of land for a game farm in the eighth judicial district, and making an appropriation therefor."

NOT APPROVED.

This bill proposes an appropriation of $20,000 for the establishment of a game farm.

I am strongly of the opinion that until the State is better off financially and some of the taxes weighing heavily upon our people can either be reduced or abolished, the State should not establish any more game farms. We have sufficient game farms to meet all our needs at the present time.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Directing the Highway Commissioner to Raise the Grade of the River Road Between Three River Point and Schroeppel's Bridge, Onondaga County, and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Assembly bill, Int. No. 1704, Printed No. 2106, entitled:

"AN ACT directing the state commissioner of highways to raise the grade of the river road between Three River point and Schroeppel's bridge, Onondaga county, and making an appropriation therefor."

NOT APPROVED.

This bill was passed through the Legislature, evidently without any knowledge of any of the State Departments interested.

The Highway Commissioner certifies that it is a town road and that his Department has no records which would give any information in regard to it. The Superintendent of Public Works is entirely without knowledge of it.

In view of the above, the bill is disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Construction and Improvement of Those Portions of State Route Twenty Lying Within the Villages of Clyde and Newark

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Senate bill, Int. No. 347, Printed No. 763, entitled:

"AN ACT making an appropriation for the construction and improvement of those portions of state route twenty lying within the villages of Clyde and Newark."

NOT APPROVED.

This bill proposes a direct appropriation from the current revenues of the State of $104,000 for the construction and improvement of portions of a State route lying between the Villages of Clyde and Newark, in the County of Wayne.

This is directly contrary to the settled and fixed custom of the State. If the county's allotment of money has been exhausted in the construction of other routes, it seems to me that the county should raise the necessary money to complete this highway. I feel reasonably certain that there is no obligation on the State to have it done in this manner.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Construction of a Bridge Over Schoharie Creek at Prattsville

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Assembly bill, Int. No. 170, Printed No. 170, entitled:

"AN ACT to provide for the construction of a bridge over Schoharie creek, at Prattsville, on state highway number eight hundred and eighty-six, on state route number five-a, and making an appropriation therefor."

NOT APPROVED.

There is no obligation on the part of the State to build this bridge. The settled policy of the State, as defined by law, is that all bridges on State highways of greater length than five feet shall be built by the locality. If this bridge is to be rebuilt, it should be done by the locality.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Repair and Improvement of a Bridge Over Owagena Lake, Commonly Known as Cazenovia Lake

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Assembly bill, Int. No. 499, Printed No. 535, entitled:

"AN ACT to provide for the widening, improvement and repair of the bridge over the head of Owagena lake, Madison county, and making an appropriation therefor."

NOT APPROVED.

This bill seeks to appropriate $6,000 for the repair and improvement of a bridge over Cazenovia lake. The bridge is not on State property and does not belong to the State, but is a local improvement and should be paid for by the locality benefited.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for Replacing Bridge Between the Villages of Fonda and Fultonville Over the Mohawk River

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Senate bill, Int. No. 1491, Printed No. 1846, entitled:

"AN ACT providing for the construction of a bridge over the canalized Mohawk river between the villages of Fonda and Fultonville, and for constructing approaches thereto; apportioning the expense thereof to the State of New York and the towns of Mohawk and Glen; providing for the payment of such expense, and making an appropriation for the state's share thereof."

NOT APPROVED.

This bill proposes an appropriation of $116,000 for replacing a bridge between the Villages of Fonda and Fultonville over the

Mohawk river. The bridge is the property of the locality and not the property of the State.

I am unable to see any obligation resting upon the State to replace this bridge.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for Certain Work by the Highway Department in Tonawanda Creek

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Senate bill, Int. No. 629, Printed No. 646, entitled:

"AN ACT to provide for certain work by the state highway department in Tonawanda creek, to prevent damage by floods to a certain street and highway, and making an appropriation therefor."

NOT APPROVED.

This bill makes an appropriation of $16,000 to provide for certain work by the Highway Department in Tonawanda Creek.

It is alleged by the proponents of the bill that the State highway referred to is damaged by floods, and that upon that theory the State should make the improvement for the protection of its highway.

It is certified to me by the Highway Department that the damage annually from floods to the highway is negligible, and the Commissioner further certifies that in his opinion the improvement is strictly a local affair affecting the City of Batavia and as such should be made by the locality.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation as the State's Share of the Expense of Rehabilitating the Water Supply of the City of Schenectady

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Senate bill, Int. No. 878, Printed No. 971, entitled:

"AN ACT to authorize the city of Schenectady to construct an additional well and pumping station for increasing its water supply, rendered necessary by the operation of the gates in the Vischer's ferry dam across the canalized Mohawk river, to provide state aid therefor, and making an appropriation for the state's share of the expense of such work."

NOT APPROVED.

This bill proposes an appropriation of $110,000 as the State's share of the expense of rehabilitating the water supply of the City of Schenectady, alleged by the city to have been seriously interfered with by the construction of the barge canal system.

If I were to approve this bill, I would settle the question of the State's liability in a case of this kind. That is something I am entirely unwilling to do.

The State Engineer and Surveyor certifies to me that, in his opinion, it is a legal question, and he further states that he does not understand that the State has as yet admitted its liability for all or any part of the cost which might be involved in the rebuilding of this water system. My approval of this bill would be equivalent to paying a judgment upon a claim which has not been filed and in which the liability of the State has not been determined by the Courts.

For all of the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Construction of a Bridge Across Great Sodus Bay, in the Town of Huron, Wayne County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Senate bill, Int. No. 856, Printed No. 1764, entitled:

"AN ACT authorizing the state highway commissioner to construct a bridge across Great Sodus bay in the town of Huron, Wayne county, New York, and making an appropriation therefor."

NOT APPROVED.

This bill makes an appropriation of $100,000 for the construction of a bridge across Great Sodus Bay, in the Town of Huron, County of Wayne.

The Highway Department certifies to me that this is entirely a town matter. If the construction of the bridge will be too heavy a burden upon the town, section 262-a of the Highway Law provides that the bridge can be constructed at the joint expense of the county and town. The Highway Commissioner believes that this bridge should be built by one or both of these municipalities. I agree with him.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Construction of a Bridge Over Wappingers Creek at New Hamburg, Dutchess County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Senate bill, Int. No. 1658, Printed No. 2121, entitled:

"AN ACT to provide for the construction of a bridge over Wappingers creek at New Hamburg, Dutchess county, and making an appropriation therefor."

NOT APPROVED.

This bill provides for the construction of a bridge over Wappingers Creek at New Hamburg, in the County of Dutchess, and makes an appropriation of $35,000 therefor.

Some years ago, this bridge was taken over by the State by special act. There is no reason why the State should build a bridge over Wappingers Creek in Dutchess County. It is not a part of the canal system of the State, and can be put in no other class but that of a local improvement. If the existing bridge is not adequate, either the County of Dutchess or the Town of New Hamburg should rebuild it.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Preparation of a Base Map of the State by the State Engineer and Surveyor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 22, 1920.

Memorandum filed with Senate bill, Int. No. 836, Printed No. 884, entitled:

"AN ACT to authorize the preparation of a base map of the state by the state engineer and surveyor and making an appropriation therefor."

NOT APPROVED.

This bill proposes an appropriation of $7,500 to prepare a base map of the State of New York.

It is certified to me by the State Engineer that the cost involved will be greatly in excess of the $7,500 appropriated and may possibly reach a total of $20,000. The State Engineer's letter does not indicate that he believes it to be a necessary expenditure at this time. While he says it would be of service, it is a matter to be decided in connection with the present financial condition of the State.

In view of the above facts, the bill is disapproved.

(Signed) ALFRED E. SMITH.

CLAIM BILLS

To Confer Jurisdiction on Court of Claims to Pass Upon Claims of the Oneida and Stockbridge Nations of Indians

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920.

Memorandum filed with Assembly bill, Int. No. 993, Printed No. 1098, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, try, audit and determine the claims of the Oneida and Stockbridge nations of Indians."

NOT APPROVED.

This bill confers jurisdiction upon the Court of Claims to hear, try and determine certain claims of the Oneida and Stockbridge nations of Indians.

As far back as 1905 I remember serving on a committee in the Legislature to which this particular claim was referred. It seems to me that if it had any great merit behind it it could have been settled long before this. By chapter 590 of the Laws of 1919 there was created a commission to look into the relation and status of Indians living on the reservations in New York State as they may be affected by either the State or the United States Government. This committee was continued this year with an additional appropriation, and I have requested that they make an examination of the claim and save the time of the court until there can be determined some fact to give life or color to it.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon Claims of Various Persons for Moneys Erroneously Paid for Licenses as Insurance Brokers

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Assembly bill, Int. No. 960, Printed No. 1065, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claims of various persons for moneys erroneously paid for licenses as insurance brokers, under a statute declared unconstitutional."

NOT APPROVED.

This bill purports to confer jurisdiction upon the Court of Claims to hear, audit and determine the claims of various persons for moneys erroneously paid for licenses as insurance brokers, under a statute declared to be unconstitutional.

The bill is vigorously opposed by the Department of Insurance, and the statement by the Superintendent in his letter to me convinces me that the bill should not become a law. He holds that while brokers were required under an unconstitutional act to pay their fees for such authorization, they were in effect constituted a privileged class by the action of the State, for they were the only persons who could transact an insurance business. Having gotten the benefit of the statute, there is no reason why, when it was declared unconstitutional, they should have refunded to them the license money paid into the State.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon Claims for Alleged Property Damages Caused by Overflow of Mohawk River at and Near Schenectady in the Year 1918

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Senate bill, Int. No. 192, Printed No. 194, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine certain claims against the state for damages alleged to have been sustained by reason of the overflow of the canalized Mohawk river at and near Schenectady, by reason of the alleged negligent construction and maintenance of the Vischer's Ferry dam, the six months' statute of limitations having run against said claims."

NOT APPROVED.

This bill confers jurisdiction upon the Court of Claims to hear suits for damages against the State by reason of the overflow of the Mohawk river at or near Schenectady. The alleged damages were sustained as far back as 1918, and at this time the State would be unable to make a defense. The existing short Statute of Limitations is necessary for the protection of the State in claims against the State, and particularly in claims for flood damages is the only protection the State has.

No reason has been shown to me why the claimants did not file the claims in time, and I am further advised by the office of the Attorney-General and the office of the Superintendent of Public Works that the State would be at a decided disadvantage in attempting to defend these claims.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Authorize the Commissioners of the Land Office to issue to Frazer and Jones Company the Right, Title and Interest of Certain Lands in the Town of Camillus, Onondaga County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Senate bill, Int. No. 72, Printed No. 72, entitled:

"AN ACT authorizing the commissioners of the land office to issue to Frazer and Jones Company a patent quit claiming all the right, title and interest of the state in and to certain lands in the town of Camillus, in the county of Onondaga."

NOT APPROVED.

This bill is disapproved because what it seeks to accomplish has been the law of the State of New York since the 13th day of March, 1919.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear and Determine Claims for Alleged Property Damage Caused by Overflow of Mohawk River at or Near Schenectady during the Year 1914

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Assembly bill, Int. No. 1166, Printed No. 1320, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine certain claims against the state for damages alleged to have been sustained by reason of the overflow of the canalized Mohawk river at or near Schenectady, by reason of the alleged negligent construction and maintenance of the Vischer's Ferry dam, the six months' statute of limitations having run against said claims."

NOT APPROVED.

This bill is identical with a bill that I vetoed last year. It purports to confer jurisdiction upon the Court of Claims to hear certain claims for damages alleged to have been caused by the flooding of the Mohawk river during the year 1914. No reason has been offered for the long delay in filing this alleged claim, and inasmuch as the State would be unable to make any defense, the bill is not approved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon Claim of John M. Steele

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Senate bill, Int. No. 1505, Printed No. 1860, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, try and determine the claim of John M. Steele against the state for damages sustained by him by reason of the trespass of the state of New York on property owned by him in the town of Pittsford in the construction of the barge canal."

NOT APPROVED.

This bill purports to confer jurisdiction upon the Court of Claims to hear the claim of one John M. Steele against the State of New York for damages sustained by him by reason of the trespass of the State of New York on property owned by him in the town of Pittsford, Monroe county, in the construction of the Barge canal, which property borders on Barge Canal Contract No. 63. Operations under this contract were started in 1910 and I am informed that there is nothing on the files in the office of the Superintendent of Public Works to show any trespass. By reason of lapse of time and the absence of any knowledge of this claim the State would be without means of defense.

For the reasons given the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon Claims of the Village of Ossining

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Senate bill, Int. No. 1536, Printed No. 1890, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the village of Ossining against the state for the expense and service of the fire department of such village in protecting the property of the state from loss or damage by fire, and to render judgment therefor."

NOT APPROVED.

This bill is intended to confer jurisdiction upon the Court of Claims to hear the claim of the village of Ossining against the State of New York for services rendered by the fire department of said village in protecting the property of the State from loss by fire, which fire occurred in Sing Sing prison, which is located in the village of Ossining.

I am unable to understand, although the claim is very small, the liability of the State to reimburse any locality for preventing the spread of fire to any of the State's property.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon claims For Alleged Damages Caused by Overflow of Seneca River at and Near Phoenix and Baldwinsville in the Years 1912 to 1919 Inclusive

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Senate bill, Int. No. 987, Printed No. 1112, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine certain claims against the state for damages alleged to have been sustained by reason of the overflow of the Seneca river at and near Phoenix and Baldwinsville in the years nineteen hundred and twelve to nineteen hundred and nineteen, inclusive."

NOT APPROVED.

This bill purports to confer jurisdiction upon the Court of Claims to hear, audit and determine certain claims against the State for damages alleged to have been sustained by reason of the overflow of Seneca river at and near Phoenix and Baldwinsville in the years 1912 to 1919, inclusive.

Last year I vetoed a similar bill to this one, but the last-year bill provided for claims only during the years 1912 to 1916. Three years have since been added. It seems to be a continuing claim.

No reason is given for the failure to comply with the statute. One would certainly imagine that the claimants, having received the lesson that grew from last year's veto, would at least file their claims for such damages as might have happened during 1919. If the waters of the Seneca river have been raised as a result of the erection of the dam mentioned, there should be an appropriation map filed.

For the reasons given above the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon Claim of John J. Morrissey

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Senate bill, Int. No. 1101, Printed No. 1255, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the alleged claim of John J. Morrissey against the state for the unpaid balance of moneys alleged to be due the claimant for carting of filling for the state fair grounds in the month of July, nineteen hundred and seventeen,"

and Assembly bill, Int. No. 1362, Printed No. 1583, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the alleged claim of John J. Morrissey against the state for the unpaid balance of moneys alleged to be due the claimant for carting of filling for the state fair grounds in the month of July, nineteen hundred and seventeen."

NOT APPROVED.

The above-mentioned bills are identical. Each of the bills is intended to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claim of one John J. Morrissey for work and services performed at the State Fair grounds in the month of July, 1917.

It is certified to me by the Secretary of the New York State Fair Commission that Mr. Morrissey presented his bill at the time for all the work he performed for the Commission and that the same was paid.

No other facts are before me and the bills are, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon Claims of the Town of Herkimer

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Senate bill, Int. No. 1271, Printed No. 1509, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of the town of Herkimer, in Herkimer county, against the state of New York, for damages alleged to have been sustained by said town and to render judgment therefor,"

and Assembly bill, Int. No. 1214, Printed No. 1379, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of the town of Herkimer, in Herkimer county, against the state of New York, for damages alleged to have been sustained by said town and to render judgment therefor."

NOT APPROVED.

The above bills are identical.

The claim of the town of Herkimer set forth in these bills has already been presented to the Court of Claims and that court held

that the State was not liable. These bills seek to waive the State's immunity from liability for damages.

Such procedure is objectionable, and these bills are, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear and Determine the Claim of The Harriman Industrial Corporation

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Senate bill, Int. No. 293, Printed No. 298, entitled:

"AN ACT conferring jurisdiction upon the court of claims to hear, audit and determine the claim of The Harriman Industrial Corporation, Incorporated, a domestic corporation, against the state for compensation for extra work, extra labor and extra materials furnished by such corporation in the construction of laundry building at Letchworth Village, Thiells, New York, and to render judgment therefor."

NOT APPROVED.

This bill is not approved for the reason that I have already approved an Assembly bill which is identical with it and which became chapter 737 of the Laws of 1920.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear and Determine Claims of Charles Flynn

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Assembly bill, Int. No. 1682, Printed No. 2066, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Charles Flynn against the state for personal injuries alleged to have been sustained by him on or about the fifteenth day of February, nineteen hundred and nineteen, in ejecting a certain woman from the assembly chamber while in the employ of the state as an assistant doorkeeper of the assembly and in the course of such employment, and to render judgment therefor."

NOT APPROVED.

After a reading of this bill I am unable to understand how the facts alleged could in any way be made to constitute a claim against the State.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon Claim of the Personal Representative of Patrick Walsh, Deceased

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Assembly bill, Int. No. 274, Printed No. 279, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the personal representative of Patrick Walsh, deceased, against the state for damages alleged to have been sustained by him and to render judgment therefor."

NOT APPROVED.

This bill confers jurisdiction on the Court of Claims to hear, audit and determine the alleged claim of the personal representative of Patrick Walsh, deceased. It is alleged that Walsh was in the employ of the State at Auburn prison as far back as 1891. The prison records contain the bare information that one Patrick Walsh was so employed but that the officials have no knowledge of any assaults having been made upon him.

The State would, of course, be without defense.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon the Claim of the Widow of Willard D. McKinstry, a Former Member of the State Civil Service Commission

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Senate bill, Int. No. 1472, Printed No. 1751, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the claim of Mary L. McKinstry, as executrix of the last will and testament of Willard D. McKinstry, deceased, against the state of New York, for balance of salary while serving as state civil service commissioner of the state of New York, and to render judgment therefor."

NOT APPROVED.

The bill confers jurisdiction upon the Court of Claims to hear, audit and determine the claim of the widow of a deceased former member of the State Civil Service Commission. The alleged claim is predicated on the fact that the statute creating his office fixed his salary at five thousand dollars per year, but that during the years when he was a civil service commissioner the appropriation bill fixed

his salary at an amount less than that fixed in the Civil Service Law. During his lifetime he accepted it without act or complaint. Furthermore, the appropriation bill carrying his salary was the last expression of the Legislature and operated as an amendment to the Civil Service Law so far as the matter of salary was concerned.

I am unable to see any obligation, legal or moral, on the part of the State.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear and Determine the Claim of Nat W. Herman

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 12, 1920

Memorandum filed with Senate bill, Int. No. 1459, Printed No. 1716, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the alleged claim of Nat W. Herman against the state for an allowance alleged to be due him by reason of service in the New York State Nautical School."

NOT APPROVED.

This bill confers jurisdiction on the Court of Claims to hear, audit and determine the claim of one Nat W. Herman against the State for the allowance which he alleges to be due him by reason of his service in the New York State Nautical School.

The Chairman of the Board of Governons of the Nautical School certifies to me that the claimant Herman performed most of his work at the office of the Board of Governors rather than on board the "Newport," and that he did so of his own choice; that his subsistence was available and he could have secured it if he had felt so disposed; that he was not deprived of it at any time.

The Chairman of the Board of Governors of the Nautical School says that the claim is without merit and I agree with him.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claim of Elmore Everett

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Senate bill, Int. No. 1373, Printed No. 1601, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the claim of Elmore Everett against the state of New York for personal damages sustained by him while in the employ of the state highway department of the state of New York, and to render judgment therefor."

NOT APPROVED.

This bill purports to confer jurisdiction on the Court of Claims to hear the alleged claim of an employee of the State who claims to be ill because of his exposure to the elements five years ago.

In no possible way could there be established liability on the part of the State after five years for any condition of health resulting from exposure to the elements. The State would be entirely without defense, and for the above reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear and Determine the Claim of Aldrich and Hall, Inc., and Ray S. Messenger, its Assignee

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Senate bill, Int. No. 1336, Printed No. 1597, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, try and determine the claim of Aldrich and Hall, Incorporated, and Ray S. Messenger, its assignee, or either or both of them, against the state for the unpaid amount earned under barge canal terminal contract number seven for constructing dock wall at Fort Edward, New York; and for extra additional work performed, and damages sustained in connection therewith, and for interest on the amount found due from the date same should have been paid."

NOT APPROVED.

The claimants mentioned in this bill filed their notice of intention within the time prescribed by statute, but never filed a claim and it is now five years of age.

No reason has been given to me for their failure to file a claim within the time prescribed by law.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon Claims For Alleged Damages Caused in Connection With the Construction of the Improved Champlain, Erie and Oswego Canals

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Senate bill, Int. No. 1007, Printed No. 1755, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claims for damages suffered by reason of the removal and destruction of water mains from highways and private rights of way by the state of New York in the construction of the improved Champlain, Erie and Oswego canals, pursuant to chapter one hundred and forty-seven of the laws of nineteen hundred and three, and to chapter seven hundred and forty-six of the laws of nineteen hundred and eleven, in connection with furnishing proper terminals and facilities for barge canal traffic, and to render judgment therefor."

NOT APPROVED.

The right of municipalities to construct and maintain water systems in its streets and highways is a matter of legislative franchise or grant, and as indicated in connection with the claim of the town of Herkimer such franchise is always subject to be destroyed or interfered with by the State in the performance of another public work or improvement. Under the law as it now stands the claimants referred to in this act have no legal status and no right of action against the State. So that the effect of the bill is to create new causes of action against the State where none existed. It may also be observed that there is no limitation in time to claims which may be presented under this act, and it covers by its terms all transactions of the character indicated back to the time of the commencement of the construction of the canal improvement. As a practical proposition it would be absolutely impossible for the State now to procure any evidence by way of defense as against any such claim. In fact, the act by its terms deprives the State of any defense except that of showing that no damage was occasioned in the manner specified.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Pass Upon the Claims of John S. Armstrong and Dory B. Trowbridge

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Senate bill, Int. No. 1278, Printed No. 1516, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claims of John S. Armstrong and Dory B. Trowbridge, copartners doing business under the firm name of Armstrong and Trowbridge, against the state of New York, for alleged increase in the cost of labor, material and the transportation of materials incurred after April sixth, nineteen hundred and seventeen, in the doing and performance of contracts for constructing the Liberty-Woodburne, part two, county highway, Sullivan county, known as contract number fourteen hundred and sixty-three, for constructing the Napanoch-Montela county highway, Ulster county, known as contract number six hundred and three, and for constructing the Port Jervis-Sullivan county line, part two, county highway, Orange county, known as contract number four hundred and forty-eight, and to render judgment therefor."

NOT APPROVED.

This bill is intended to have the Court of Claims pass on the alleged claim of Armstrong & Trowbridge for contracts on the State highways. The bill purports to bring three specific contracts under the provisions of chapter 459 of the Laws of 1919. It is certified to me by the Highway Department that only two of such contracts could, under any circumstances, be brought under the aforesaid chapter. To allow the claimant to go before the Court of Claims on the other highway, not under the provisions of the law, would open the door for a large number of contracts which were completed under the same circumstances and which would be equally entitled to be considered by the Court of Claims, if this one were to be so considered.

It being impossible to separate the items in the bill, I am, therefore, compelled to disapprove of them all.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claims of the Fred Pierce Sand Company

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Senate bill, Int. No. 1186, Printed No. 1385, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the claim of Fred Pierce Sand Company against the state for damages alleged to have been sustained by it by reason of the failure of the state, its officers, servants and contractors to maintain navigation on the Oswego canal during the construction of the barge canal in the years nineteen hundred and twelve and nineteen hundred and thirteen, and to render judgment therefor."

NOT APPROVED.

This is a rather unique claim bill and sets forth a claim on the part of Fred Pierce Sand Company against the State for failure to keep the Oswego canal open during its reconstruction. If this bill were to receive executive approval it would establish a precedent very dangerous to the State. The canals are entirely free of toll and existing statutes forbid the allowance of claims for damages arising on account of navigation of them. It was the intention of the State, undoubtedly, to offer them to the public for use at the public's risk.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claims of Walter L. Stillwell, George Girard and Edna Brush

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Senate bill, Int. No. 928, Printed No. 1041, entitled:

> "AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claims of Walter L. Stillwell, George Girard and Edna Brush against the state for damages alleged to have been sustained by them while being forced to aid the police of the city of New York in the capture of dangerous criminals.

NOT APPROVED.

This bill confers jurisdiction upon the Court of Claims to hear the claims of certain people who claim to have been injured while assisting the police of the city of New York in the capture of dangerous criminals.

There is a grave question in my mind whether, under any circumstances, this could be made a claim against the State. Certainly the State is not in any position to defend itself against such a claim. If assistance was actually given and there is any moral obligation, although it may not be a legal or valid claim against the city, it can be taken care of under section 246 of the Greater New York Charter.

For these reasons the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claim of Lewis P. Maxim

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Assembly bill, Int. No. 449, Printed No. 476, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, try and determine the claim of Lewis P. Maxim against the state, for damages alleged to have been sustained by him on November first, nineteen hundred and eighteen, and to render judgment therefor."

NOT APPROVED.

This bill purports to confer jurisdiction on the Court of Claims to hear, try and determine a claim against the State for damages alleged to have been sustained by one Lewis P. Maxim, while riding on the State highway.

The Highway Department certifies to me that at the point of this accident the roadway is twenty feet wide, from one edge of the macadam to the other, with a four-foot shoulder on each side, making a safe roadway fully twenty-eight feet wide. The accident happened on a clear, straight stretch of road, and the Highway Department denies any contention that there was any dangerous condition.

I am unable to understand upon what theory the State should be called upon to defend an action of this character.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claim of Thomas Holahan

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Assembly bill, Int. No. 1228, Printed No. 2143, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Thomas Holahan against the state for additional expense incurred by him in connection with the construction or improvement of the Fancher-Brockville road, in the county of Orleans."

NOT APPROVED.

This is a claim for damages alleged to have been suffered by a contractor in the breaking of a culvert upon a road under construction.

The contract was let June 12, 1915, and the final estimate paid April 30, 1917, indicating the completion of the road in the fall of 1916. The matters concerning this claim have not been brought to the attention of the State officers and were not so brought at the time. It would be impossible now for the State to properly defend the claim, which in any event seems to have little merit.

The bill is, therefore, disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claim of Edward Crowe and Daniel J. Walsh

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Assembly bill, Int. No. 538, Printed No. 573, entitled:

> "AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Edward Crowe and Daniel J. Walsh, a copartnership doing business under the firm name of Crowe and Walsh, against the State of New York, for damages occasioned by the alleged illegal and unwarranted cancellation by the state of a contract known as the 'Truxton DeRuyter, part three, state highway number fifty-four hundred and seventy-two,' and for retained balances under final certified estimates, and for compensation for damages, work, labor and materials, and to render judgment therefor."

NOT APPROVED.

By this bill jurisdiction is conferred upon the Court of Claims to hear an alleged claim growing out of the cancellation of a contract for the construction of a State highway in July, 1916.

This work was cancelled by the Commissioner of Highways at that time for lack of progress. Thereafter an action was brought against the contractor by the Attorney-General to recover damages for increased cost of construction. In that action the jury found against the State, and judgment of dismissal was entered. Now, it is sought, on behalf of these claimants, to progress this claim in the Court of Claims.

It seems that failure to make any claim against the State until long after the cancellation of the work in progress, and until after the State itself had brought an action for damages, indicates that there is not sufficient merit in this bill for the State to waive the ordinary safeguards enacted for its protection.

The bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claim of Edwin A. Mix

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Senate bill, Int. No. 1573, Printed No. 1993, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the claim of Ervin A. Mix against the state for damages alleged to have been sustained by him while in the employ of the state at the Binghamton State Hospital, and to render judgment therefor."

NOT APPROVED.

This bill is in contravention of the well established policy of the State that the claimant could not recover under the circumstances recited in the bill. He was an employee of the State, that is, a blacksmith working in a blacksmith shop connected with the Binghamton State Hospital, and in the course of such employment it is alleged that he was injured by being struck in the eye with some metallic or other substance. The bill provides that if such facts are established the claimant shall become entitled to an award against the State. The only defense left to the State by the terms of the bill is its ability to prove, if it can, that the accident did not happen. The State is deprived of its defense of showing that such accident was entirely the result of the carelessness of the claimant and deprived of any other defense it might otherwise have had.

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claim of John H. Hasbrouck, Kathryn Leonhard and Walter D. Hasbrouck for Emily S. Burnett

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920.

Memorandum filed with Senate bill, Int. No. 295, Printed No. 412, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine a claim by John H. Hasbrouck, Kathryn Leonhard and Walter D. Hasbrouck as trustee of the estate of the late Josiah Hasbrouck, for Emily S. Burnett for damages to the Sleightsburgh ferry on Rondout creek by the construction of state route number three and a bridge in connection therewith."

NOT APPROVED.

This bill assumes to impose liability on the State for the destruction of the value of a ferry maintained by the claimants at Rondout Creek.

Recently the State let a contract for the erection of a bridge at a point on the creek above where the present ferry is maintained. The bridge connects the State highway, making a through route from Albany to New York on the west bank of the Hudson River. The bridge is an important public necessity, and I am unable to understand by what process of reasoning anybody can arrive at the conclusion that the State when progressing a public improvement of this nature, providing free access to her people over a public highway, should be called upon to compensate the owner of a monopoly or private privilege to operate a ferry.

This would establish a dangerous precedent, and the bill is therefore disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear the Claim of the Owners of Certain Lands in Township five, Brown's Tract, Herkimer County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Senate bill, Int. No. 690, Printed No. 724, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the owners of certain lands in township five, Brown's tract, Herkimer county, against the State of New York, for damages alleged to have been sustained by them and to render judgment therefor."

NOT APPROVED.

This is a claim for damages for appropriation by the State in 1896 of lands in township five, Brown's tract, Herkimer County.

I vetoed a similar bill last year, and a similar bill was vetoed in 1918. It seems to me that if the claimants herein mentioned would devote the same time and energy, in an attempt to convince the Attorney-General of the righteousness of their claims, that they have in passing bills through the Legislature to empower the Court to hear it, that they would probably have collected it by this time, if they have any right to it.

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Confer Jurisdiction on Court of Claims to Hear Claims for Damages Caused in the Construction of the Barge Canal Terminal at Schenectady

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 18, 1920

Memorandum filed with Senate bill, Int. No. 1654, Printed No. 2117, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine certain claims against the state for damages alleged to have been sustained by reason of the appropriation by the state of claimants' ordinary riparian rights and damages incidental to the construction of the barge canal at Schenectady, New York."

NOT APPROVED.

This bill purports to confer jurisdiction upon the Court of Claims to hear, audit and determine certain claims against the State for damages alleged to have been sustained by reason of the appropriation by the State of land and damages incidental by the construction on the Barge Canal terminal at Schenectady.

I am informed by the office of Superintendent of Public Works that in the construction of the terminal in question the State served six appropriation maps and has settled in full with the claimants from whom said property or property-rights were taken.

It is urged by the attorney for the claimants that the State has not clear title. The Superintendent of Public Works holds that in addition to the six parcels for which appropriation maps were filed and settlement was made in full, seven other persons owned property bordering on this location; but he holds that they had no interest or title in the nature of riparian rights to the waterway, and, as no part of the upland of these seven was appropriated or in any way disturbed, he disputes their claims entirely.

For the above reasons, the bill is disapproved.

(Signed) ALFRED E. SMITH.

To Authorize the Canal Board to Settle and Adjust Claims and Demands of Water Power Claimants and Owners of Water Power Rights and Privileges Appurtenant to State Canal Dams

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 19, 1920

Memorandum filed with Assembly bill, Int. No. 1437, Printed No. 1658, entitled:

"AN ACT to authorize the canal board to compromise, settle and adjust the claim and demands of water power claimants and owners of water power rights and privileges appurtenant to state canal dams constituting a part of the improved canals."

NOT APPROVED.

I vetoed last year a similar bill to this which contained the same principle and substantially the same language.

It seeks to authorize the Canal Board to settle and adjust claims and demands of water power claimants and owners of water power rights and privileges appurtenant to State canal dams. If enacted into law, this would develop the policy of permitting the Canal Board to settle claims against the State by granting to the claimants water power rights now the property of the State itself. It is directly contrary to the attitude that I have taken in regard to water power development, and I cannot put my name to any bill in the light of the past history of this State in regard to water power development that will permit grants of water power rights to private individuals, which rights belong to all the people of the State.

(Signed) ALFRED E. SMITH.

IV

MEMORANDA ON LEGISLATIVE BILLS APPROVED

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IV

MEMORANDA ON LEGISLATIVE BILLS APPROVED

Amending Workmen's Compensation Law for the Increase of Benefits Payable to Injured Employees and to the Widow, Children and Dependents of Employees Who Die as the Result of Industrial Accidents

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 5, 1920

Memorandum filed with Senate bill, Int. No. 1313, Printed No. 2256, entitled:

"AN ACT to amend the workmen's compensation law, generally."

APPROVED.

This bill which I recommended to the Legislature in a message transmitting the report of Jeremiah F. Connor, Esq., Moreland Act Commissioner, increases the benefits payable to injured employees in the State and to the widow, children and dependents of employees who die as the result of industrial accidents.

The schedule of benefits in the present compensation law was enacted in 1914. Since then both the cost of living and the prevailing rate of wages have steadily become higher and an increase in the benefits under the compensation law was imperative.

The enactment of this progressive legislation is an act of justice to the workingman and his family and brings our compensation law into harmony with existing conditions.

The bill is approved.

(Signed) ALFRED E. SMITH.

Amending the Workmen's Compensation Law so as to Bring Occupational Diseases Within Its Provisions and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 5, 1920

Memorandum filed with Senate bill, Int. No. 201, Printed No. 1839, Assembly Reprint No. 2253, entitled:

"AN ACT to amend the workmen's compensation law, in relation to occupational diseases, and making an appropriation therefor."

APPROVED.

This bill brings occupational diseases within the provisions of the workmen's compensation law.

I urged the passage of this law in my annual message to the Legislature last year but the bill introduced in accordance with my recommendation failed of passage. I recommended the same legislation this year and the bill went through the Legislature with practically no opposition.

Most cases of occupational diseases are due to long and continued exposure to some poisonous substance used in connection with the employment. There is no disability more directly connected with the hazards of an industry than from such causes.

The constitutional provision permitting the enactment of a compensation law was not intended to limit the statute to accidental injuries. This bill is, therefore, not only in keeping with the spirit of the constitution but is a long step forward in the line of progressive legislation.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Four Bills to Improve Industrial Conditions

1. Amending the Workmen's Compensation Law so as to curb the activity of runners who appear on behalf of claimants in compensation cases and making it a misdemeanor for any person, firm or corporation to accept fees except in amount determined by the commission or to solicit business of appearing for employees.

2. Amending the Workmen's Compensation Law in relation to the preference of compensation awards against assets of insurance carriers.

3. Amending the Workmen's Compensation Law so that payment of administration expenses of the State Insurance Fund may be made from the premium income.

4. Amending the Labor Law for the creation of an additional Deputy Commissioner in compensation cases.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 5, 1920

Memorandum filed with the following bills:

Assembly bill, Int. No. 735, Printed No. 2044, Senate Reprint No. 2253, entitled:

"AN ACT to amend the workmen's compensation law, in relation to fees in connection with claims for compensation."

Assembly bill, Int. No. 728, Printed No. 786, entitled:

"AN ACT to amend the workmen's compensation law, in relation to the preference of compensation awards against assets of insurance carriers."

Assembly bill, Int. No. 727, Printed No. 785, Senate Reprint No. 2249, entitled:

"AN ACT to amend the workmen's compensation law in relation to the payment of administration expenses of the state insurance fund directly out of its premium income."

Senate bill, Int. No. 673, Printed No. 2088, entitled:

"AN ACT to amend the labor law, in relation to the creation of an additional deputy commissioner in compensation cases."

APPROVED.

These bills were recommended by me as the result of the investigation of the State Industrial Commission, made by Jeremiah F. Connor under the Moreland Act.

Assembly bill, Int. No. 735, is intended to curb the activity of runners who appear in large numbers in behalf of claimants before the State Industrial Commission, in many cases perpetrating frauds upon the industries of the State and in all cases obtaining from the injured employees some portion of the award of compensation. The bill retains the provision requiring attorneys to submit claims for legal services to the Industrial Commission for approval and makes it a misdemeanor for any other person, firm or corporation to accept a fee in connection with the compensation claim except in an amount determined by the commission. The bill also provides that it shall be a misdemeanor for any such person, firm or corporation to solicit the business of appearing for employees before the commission.

Assembly bill, Int. No. 728, extends the preference contained in Section 34 of the Compensation Law, against the assets of employers, to the assets of insurance companies.

Assembly bill, Int. No. 727, authorizes the State Industrial Commission, with the approval of the Governor, to pay directly out of the premium income of the State Insurance Fund, an amount annually, not exceeding $25,000, in excess of the appropriations made by the Legislature. This bill gives the State Insurance Fund a contingent account upon which it may draw to make its administration successful in competition with other insurance companies.

Senate bill, Int. No. 673, creates an additional deputy commissioner.

This position was recommended because of the increased work devolving upon the Second Deputy Commissioner who at the present time has complete supervision over the workmen's compensation bureau of the entire State.

The foregoing bills are therefore approved.

(Signed) ALFRED E. SMITH.

Making an Appropriation to Pay Expenses Incurred by William B. Coates in Defending Himself in Proceedings by Court-Martial While a Captain in the New York National Guard

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 10, 1920

Memorandum filed with Senate bill, Int. No. 1048, Printed No. 1187, entitled:

"AN ACT making an appropriation to pay the expenses incurred by William B. Coates in defending himself in proceedings by court-martial while a captain in the New York National guard."

APPROVED.

A bill to accomplish this purpose was vetoed by me last year because it made the appropriation direct to the beneficiary. The bill has been put in such form this year that it requires the Adjutant-General to examine the claim and pay that part of it which he is satisfied is necessary in the defense of William B. Coates.

In its present form it is approved.

(Signed) ALFRED E. SMITH.

Amending the Insanity Law so as to Increase Salaries of Lower Paid Employees in the State Hospitals and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 10, 1920

Memorandum filed with Assembly bill, Int. No. 1068, Printed No. 2194, entitled:

"AN ACT to amend the insanity law, in relation to salaries of certain officers and wages of certain employees and making an appropriation therefor."

APPROVED.

This bill amends the insanity law in relation to salaries of certain officers and wages of certain employees in the State hospitals and makes an appropriation therefor.

This bill is the result of a recommendation that I sent to both Houses of the Legislature, being the report made to me by Doctors Biggs and Bailey of the survey made of several of the State hospitals and the need for increasing the salaries in order that the necessary help may be obtained. The salary increases are all given to the lower paid employees, and it is to be hoped that it will offer the necessary inducement to bring into the service of the State the number and class of people required for this important work.

The bill is therefore approved.

(Signed) ALFRED E. SMITH.

Authorizing the Construction of Barge Canal Grain Terminals at Gowanus Bay and at Oswego, and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 10, 1920

Memorandum filed with Senate bill, Int. No. 1713, Printed No. 2227, entitled:

"AN ACT authorizing the construction of Barge Canal grain terminals at Gowanus bay, in the city of New York, and at Oswego, and making appropriation therefor."

APPROVED.

This bill makes an appropriation for the construction of barge canal grain terminals at Gowanus Bay, in the City of New York, and at Oswego, on Lake Ontario.

This I regard as a very important step toward the completion and equipment of the canal. Sixty per cent of its business is the carrying of grain from the west, and until it is equipped with elevators it cannot enter into competition with the railroads.

The bill is therefore approved.

(Signed) ALFRED E. SMITH.

Conferring Jurisdiction on Court of Claims to Hear the Claim of Grace E. Gunter

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Assembly bill, Int. No. 391, Printed No. 607, entitled:

"AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Grace E. Gunter, personally and as administratrix of the estate of Charles J. Gunter, deceased, against the state, for damages for the death of said deceased, alleged to have occurred as the result of an assault made upon him on the seventeenth day of April, nineteen hundred and nineteen, by Walter Levandowsky or Leo Jankowski, or both, inmates of Clinton prison, while in the employ of the state as a nurse in Clinton prison and in the course of such employment, and to render judgment therefor."

This bill confers jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Grace E. Gunter, the widow of a guard at Clinton Prison who was murdered by two inmates while in the discharge of his duty.

Notwithstanding that she has received the benefit accruing from Workmen's Compensation, I believe that she should be permitted to present her claim to the State, to the end that the officials in

charge of the wards of the State may be encouraged by the belief that, when they meet with dangerous accident or death in the faithful discharge of their duties, the State will stand behind them to the last degree.

The bill is therefore approved.

(Signed) ALFRED E. SMITH.

Amending the Civil Service Law, Establishing a Pension Fund for State Employees and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

Memorandum filed with Assembly bill, Int. No. 1409, Printed No. 1630, entitled:

"AN ACT to amend the civil service law, in relation to retirement of officers and employees in the state civil service, and making an appropriation for expenses."

APPROVED.

This bill establishes a pension fund for the civil service employees of the State. It is the result of the work performed by the Commission on Pensions, authorized by Chapter 414 of the Laws of 1918. The benefits are to be paid from contributions made by the State and by the employees in equal amounts, except that the State assumes the entire liability for pensions based upon past service.

I regard this bill as a constructive measure. It establishes a sound pension retirement plan with a proper actuarial basis.

The bill is therefore approved.

(Signed) ALFRED E. SMITH.

Establishing a Comprehensive Plan for the Rehabilitation of Physically Handicapped Persons, and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 13, 1920

Memorandum filed with Assembly bill, Int. No. 1382, Printed No. 1603, entitled:

"AN ACT to accept the provisions of any law of the United States making an appropriation to the states for the rehabilitation of physically handicapped persons, to amend the workmen's compensation law, in relation to the maintenance of employees undergoing rehabilitation, and to amend the education law, in relation to the rehabilitation of physically handicapped persons, and making an appropriation therefor."

APPROVED.

This bill was recommended in my Annual Message to the Legislature this year. It establishes a comprehensive plan for the rehabilitation of physically handicapped persons. Under its provisions the State of New York is authorized to accept any law passed by the United States Government making an appropriation for such purpose. A bill of this character now pending in Congress, it is estimated will yield the State of New York $75,000.

Approximately 350,000 industrial accidents occur annually in the State of New York. It is estimated that the same number of accidents take place outside of industrial establishments. A large percentage of the injuries result in permanent disabilities. It has been demonstrated that persons who become permanently crippled, although debarred from many occupations, can almost without exception be fitted by special training for some trade or occupation in which such person will become self-supporting, notwithstanding his disability.

This bill has been approved by the Education Department, Department of Health and the State Industrial Commission.

I believe that the State, in entering upon this program of rehabilitation for disabled persons is adopting another constructive measure.

The bill is therefore approved.

(Signed) ALFRED E. SMITH.

Amending the Civil Rights Law, in Relation to the Right of Appeal

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 17, 1920

Memorandum filed with Senate bill, Int. No. 755, Printed No. 803, entitled:

"AN ACT to amend the civil rights law, in relation to right of appeal.

APPROVED.

This bill proposes an amendment to the Civil Rights Law, guaranteeing to our citizens the right to appeal to the Legislature, or to any public officer, board, commission, or other body, for the redress of grievances.

I am informed that there are laws on our statute books, having particular reference to uniformed city employees, prohibiting them from appearing before legislative bodies on matters of legislation affecting their interests. Such laws are in absolute contravention of article I, section 9, of the State Constitution, which reads as follows:

"No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof. * * *."

If this bill had no other purpose but to nullify any existing provision of law in contravention of that section of the Constitution, it should be signed. It has been urged that it is unnecessary. I hold otherwise. As the law stands until set aside by the courts, obviously no man affected by the provisions of any statute abridging that right would be in a position to test its constitutionality. In all probability, he would be compelled to first violate it That should not be asked of any citizen.

The Civil Service Reform Association, in a memorandum filed against the bill, said that it would be unfortunate to allow policemen and firemen to appear in the halls of the Legislature for the purpose of urging legislation for their own benefit.

I am of the opinion that it would be a great deal better to have firemen and policemen come before the Legislature themselves than to be represented by paid attorneys and paid agents whose business it seems to be to constantly dig up something new in order to justify their retainers.

I can see no harm in declaring by statute what seems to be agreed by all to be a constitutional right.

For these reasons the bill is approved.

(Signed) ALFRED E. SMITH.

Conferring Jurisdiction on Court of Claims to Hear the Claim of the Iron Ledge Company

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Assembly bill, Int. No. 389, Printed No. 409, entitled:

"AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the alleged claim of the Iron Ledge Company against the state for alleged breach of contract for highway improvement."

APPROVED.

A bill similar to this was disapproved by me last year. The veto of last year's bill was based upon information furnished to me in reference to this case. It now appears that such information was wrong and that a mistake was made in the information furnished me.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Purchase of Radium in the Treatment of Cancer at the State Institute for the Study of Malignant Disease

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Senate bill, Int. No. 356, Printed No. 1435, Assembly Reprint No. 2264, entitled:

"AN ACT making an appropriation for the State Institute for the Study of Malignant Disease, for the purchase, care and use of radium."

APPROVED.

This bill makes an appropriation of $225,000 for the purchase of radium, to be used at the State Institute for the Study of Malignant Disease in the treatment of cancer.

It is well known that treatments for this disease are now made with radium, but they are confined to persons of sufficient wealth to be able to pay for the treatments. It is certified to me by the doctors in charge of the institute, and that is backed up by a written memorandum from the State Department of Health, that the State Institute for the Study of Malignant Disease at Buffalo could make this treatment available to people suffering from cancer who are unable to pay what would be required at a private institution. Research into the causes of the disease of cancer and the development of means of attacking it is very important to the people of this State. The property in Buffalo used by the State Institute was granted to it by Mrs. Gratwick, and wonderful progress has been made in the short space of time that they have been experimenting with this disease. Radium is practically indestructible and lasts forever. The quantity which will be purchased here will be very small, and the price looks very large; but in view of the fact that the State will have it for all time and that it is undoubtedly effective in checking the ravages of this terrible disease and can be made available to those who would be unable to receive the treatment otherwise means, in my opinion, a great deal to this State.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for the Improvement of Fulmer Creek, at Mohawk, Herkimer County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Assembly bill, Int. No. 1213, Printed No. 1378, entitled:

"AN ACT to provide for the improvement of Fulmer creek, at Mohawk, in the county of Herkimer, and making an appropriation therefor."

APPROVED.

This bill makes an appropriation of $25,000 to continue work on Fulmer creek, at Mohawk, in the county of Herkimer, which work was started by the State some years ago.

A mistake was made in ever appropriating any money of the State for this improvement, but the State having begun it the condition resulting from its failure to finish it is such as to leave the State liable for claims for damages growing out of flood conditions. Much as I disapprove of the policy of local improvements at the expense of the State, this one having been begun must be finished or the State must suffer heavy damages.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Making an Additional Appropriation for the Improvement of Limestone Creek in the Village of Fayetteville, Onondaga County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Senate bill, Int. No. 914, Printed No. 1020, entitled:

"AN ACT to amend chapter seven hundred and fifty-one of the laws of nineteen hundred and seventeen, entitled 'An Act to provide for deepening, widening, straightening and otherwise improving Limestone creek in the village of Fayetteville, Onondaga county, and making an appropriation therefor,' relative to the method of performing the work, and making an additional appropriation therefor."

APPROVED.

The State is already committed to this improvement by an appropriation heretofore made.

If this work is to be done and the good faith of the State is to stand, this additional $6,000 must be added to the money already appropriated.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for Completing Work in Protecting the Banks of Griffin Creek in the County of Allegany

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Senate bill, Int. No. 514, Printed No. 552, entitled:

"AN ACT making appropriation for completing the work of clearing the channel and protecting the banks of Griffin creek, between the junction of said creek with the old Genesee Valley canal and a point on said creek approximately two thousand feet up stream and easterly from said junction."

APPROVED.

This bill makes an appropriation of $15,000 for completing work already begun by the State in protecting the banks of Griffin creek in the county of Allegany.

What I said about the Fulmer Creek bill applies also to this bill. This improvement should never have been begun with State money, but the State having started the work must finish it. Already several claims have been filed against the State in the Court of Claims as a result of conditions that grew out of the uncompleted condition of this work.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Making an Appropriation as the State's Share of Rebuilding Bridge Across the Hudson River Between the Cities of Troy and Cohoes

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Senate bill, Int. No. 1108, Printed No. 1766, entitled:

"AN ACT providing for the reconstruction and rebuilding of the bridge crossing the Hudson river and barge canal and connecting the cities of Troy and Cohoes between the counties of Albany and Rensselaer; apportioning the expense thereof to the state of New York, the counties of Albany and Rensselaer and the cities of Troy and Cohoes; making an appropriation for the share of such expense to be paid by the state and otherwise providing for the payment of such expense."

APPROVED.

This bill makes an appropriation of $300,000 as the State's share of rebuilding a large portion of the bridge across the Hudson river between the cities of Troy and Cohoes which was destroyed by fire.

Some time ago, the State, with the city of Cohoes, the city of Troy and the counties of Albany and Rensselaer, became partners

in this bridge. It was acquired by the State in a condemnation proceeding, the State paying its share and the counties and cities paying their share as provided by statute. A railroad company operated a trolley line across it and paid for the privilege, the proceeds of such payments being divided equally between the State and the localities in partnership with the State. Its reconstruction is an absolute necessity, and while the localities stand ready to meet their share of the expense the State must meet its share.

For the above reasons the bill is approved.

(Signed) ALFRED E. SMITH.

Making an Appropriation for Necessary Repairs to Bridge Across South Bay in the County of Washington

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Assembly bill, Int. No. 521, Printed No. 556, Senate Reprint No. 1842, entitled:

"AN ACT to amend chapter five hundred and eighteen of the laws of nineteen hundred and twelve, entitled 'An Act to provide for the rebuilding of a bridge across South bay, in the county of Washington, and making an appropriation therefor,' in relation to the repair thereof, and making an appropriation therefor."

APPROVED.

This bill makes an appropriation of $5,000 to make necessary repairs upon a bridge across South bay, in the county of Washington, which bridge is the property of the State of New York and was built by the State.

There is no other way in which these necessary repairs can be made, no appropriation having been made to any department. It stands by itself in the county of Washington as a piece of property that the State is obliged to take care of.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Amending the Education Law so as to Provide for the Training of Teachers in the Principles and Methods of instructing Foreign Born and Native Adults and Minors and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Senate bill, Int. No. 1122, Printed No. 2047, entitled:

"AN ACT to amend the education law, in relation to teachers of foreign born and native adults and minors over sixteen years of age, and making an appropriation for expenses."

APPROVED.

This bill authorizes and directs the Commissioner of Education to provide courses of study in normal schools and other institutions to train teachers in the principles and methods of instructing foreign born and native adults and minors over sixteen years of age in evening, extension, factory and community classes. I am advised by the State Department of Education that better results can be obtained in the instruction of the foreign born, particularly of adults, by training teachers in the principles of adult education in the adaptation of these principles to the foreign born, and in methods of teaching English to foreign-born adults and training them for citizenship. There can be no higher function of State education than such training for citizenship.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Amending the Education Law, in relation to Providing Courses of Instruction in Factories and Other Places of Employment to Foreign Born and Native Adults and Minors, and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920

Memorandum filed with Senate bill, Int. No. 1119, Printed No. 2091, entitled:

"AN ACT to amend the education law, in relation to providing for educational extension facilities for foreign born and native adults and minors over the age of sixteen years, relating to the employment of teachers, the payment of their compensation, and making an appropriation for expenses."

APPROVED.

This bill authorizes the Commissioner of Education to establish courses of instruction in factories and other places of employment for the purpose of giving instruction to foreign-born and native adults and minors over the age of sixteen, and permits a course of instruction which shall include English, history, civics and other subjects tending to promote good citizenship, and to increase vocational efficiency, and carries an appropriation of one hundred thousand dollars for this purpose.

I regard education as the best remedy for mistaken or false political conceptions. In the language of Thomas Jefferson: "Error of opinion may be tolerated when reason is left free to combat it," and the best way to meet the evils of ultra-radical agitation is with the reason which proper education supplies.

This bill is recommended for approval by the State Department of Education, and I approve it.

(Signed) ALFRED E. SMITH.

Making an Appropriation as the State's Share of Acquiring Toll Bridges Across the Delaware River Between this State and the State of Pennsylvania

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 20, 1920.

Memorandum filed with Assembly bill, Int. No. 112, Printed No. 112, entitled:

"AN ACT making an appropriation for the acquisition, and jointly with the state of Pennsylvania, of the rights, franchises and property of the several bridge corporations, municipal corporations, companies, partnerships or individuals owning or operating bridges across the Delaware river between this state and the state of Pennsylvania."

APPROVED.

This bill makes an appropriation of $125,000 as New York State's share toward taking over the toll bridges across the Delaware river between this State and the State of Pennsylvania.

Some time ago the State entered into an agreement with the State of Pennsylvania to acquire these bridges. Pennsylvania has lived up to her obligation, and New York is in duty bound to do the same thing. Pennsylvania's money is available and waiting for the State of New York to make good its end of the bargain.

The bill is therefore approved.

(Signed) ALFRED E. SMITH.

Amending the Highway Law, in relation to County Aid for Construction, Improvement and Maintenance of Town Highways

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920.

Memorandum filed with Assembly bill, Int. No. 1611, Printed No. 1933, entitled:

AN ACT to amend the highway law, in relation to county aid for construction, improvement and maintenance of town highways."

APPROVED.

I do not fully agree with the provisions of this act. I believe that some system of accounting should be provided for so that the Highway Department will have some check upon the expenditures permitted under the provisions of the Highway Law. However, I am informed by the Highway Department that this act is necessary for the purpose of permitting the repair of motor trucks recently given to the State by the Federal Government and distributed among the counties and towns by the Highway Department; that unless this act becomes a law, there would be no provision for the repair

of these trucks so that they can be used by the various towns and counties during this season.

I believe, however, that there should be an amendment in the future to this provision of the Highway Law requiring a closer accounting and closer supervision upon the part of the Highway Department of the State.

The bill is approved.

(Signed) ALFRED E. SMITH.

Providing for the Submission to the People the Question of a Bond Issue for the Payment of a Bonus to Those who Served in the World War

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920.

Memorandum filed with Assembly bill, Int. No. 107, Printed No. 2282, entitled:

"AN ACT making provision for issuing bonds to the amount of not to exceed forty-five million dollars for the payment of a bonus to persons who served in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, and providing for the submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and twenty."

APPROVED.

This bill provides for the submission to the people at the fall election of the question: "Shall the State bond itself in an amount not to exceed forty-five million dollars, the proceeds from the sale of such bonds to be distributed by a commission to every person, male or female, who was enlisted, inducted, warranted or commissioned, and who served honorably in active duty in the military or naval service of the United States at any time between the sixth day of April, 1917, and the eleventh day of November, 1918, for a period longer than two months, and who at the time of entering into such service was a resident of the State of New York, and is a resident at the time this act takes effect, and who was honorably separated or discharged from such service, or who is still in active service, or has been retired, or has been furloughed to be a reserve."

The amount to be distributed is ten dollars per month for each month or major fraction thereof that such person was in active service, not exceeding a total to any one person of two hundred and fifty dollars.

No payment that this State could make would be ample to reward the faithful men and women who offered themselves to this country when she was called upon to preserve the civilization of the world.

The State, however, feels that some token of recompense, small and inadequate though it may be, should be offered as expressing, no matter how feebly, the gratitude and appreciation which is in the heart of every member of the commonwealth. The bill has my approval, and it rests with the people for their decision at the fall election.

The bill is, therefore, approved.

(Signed) ALFRED E. SMITH.

Making an Appropriation to Repair the Canal Feeder in the City of Oneida

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 21, 1920.

Memorandum filed with Senate bill, Int. No. 773, Printed No. 821, entitled:

"AN ACT to provide for improving the Oneida feeder, in the city of Oneida, and making an appropriation therefor."

APPROVED.

This bill makes an appropriation of $15,000 to repair the canal feeder passing through the City of Oneida.

It is certified to me by the Superintendent of Public Works that this feeder is in need of repair, that it is State property and maintained by the State, and that if necessary repairs are not made to it this year such repairs would be much more extensive in another year. There are no funds appropriated to the Department of Public Works out of which these necessary repairs can be made.

For these reasons, the bill is approved.

(Signed) ALFRED E. SMITH.

Prohibiting the Manufacture and Sale of Intoxicating Liquors, Declaring Beer Containing 2.75 per cent or Less of Alcohol Non-Intoxicating and Providing for the Regulation by the State of Its Sale and the Placing of Taxes Upon Licenses

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 24, 1920.

Memorandum filed with Senate bill, Int. No. 851, Printed No. 1921, entitled:

"AN ACT prohibiting the manufacture, sale, transportation, importation, and exportation of intoxicating liquors for beverage purposes, providing a penalty therefor, in relation to traffic in certain non-intoxicating beverages, and amending the liquor tax law and adapting the provisions of such chapter to conform to the eighteenth amendment to the constitution of the United States."

APPROVED.

This amendment to the law in brief provides for the sale of beer in restaurants and hotels in cities of the first and second class, and declares beer containing 2.75 per cent or less of alcohol, by weight, to be non-intoxicating and further provides for the regulation by the State of its sale, putting certain taxes upon the license issued by the State in each instance.

In January, 1919, the Legislature of this State ratified the Eighteenth Amendment to the Federal Constitution, which amendment was commonly known as the amendment providing for prohibition, One year later, the same Senate and the Assembly, under the identical leadership, has now declared beer containing 2.75 per cent alcohol by weight to be non-intoxicating.

In the opinions of experts laid before me, there is a sharp division of opinion, those declaring it to be intoxicating being about equal in number with those declaring it to be non-intoxicating; and I feel that I am placed in the position of having before me the legislative declaration that such beer is non-intoxicating. If representative democratic government means anything, it surely means that when a substantial majority of both Houses makes its declaration upon a matter of this sort, it is representative of the majority sentiment of the State.

In the absence of anything concrete and definite upon which I could predicate reasons for disagreement with the legislative declaration, I feel that this bill should be approved.

Accordingly, it is so approved.

(Signed) ALFRED E. SMITH.

Regulating Boxing and Sparring Matches, Establishing a State Boxing Commission and Making an Appropriation Therefor

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 24, 1920.

Memorandum filed with Senate bill, Int. No. 93, Printed No. 1294, Assembly Reprint No. 2250, entitled:

"AN ACT allowing and regulating boxing and sparring matches, and establishing a state boxing commission, and making an appropriation therefor."

APPROVED.

The purpose of this bill is to allow and regulate boxing and sparring matches and to establish a commission for such regulation.

In some quarters of the State there appears to be a pretty general misunderstanding of all the circumstances surrounding a boxing or a sparring match. There is nothing in the law of the State of New York to prevent boxing or sparring matches, but the law does provide that no admission can be charged, nor can they be open to the general public, but are supposed to be conducted under the auspices of private membership organizations. The real truth about the matter is that the purpose and intent of that law is being

evaded by permitting any person, upon becoming a member of such an organization, to witness the match, the dues paid for membership taking the place of the admission fee; and this is going on absolutely without regulation of any kind by the State.

It is urged by those opposed to the bill that it may give rise to abuses which they felt came into being under previous legislative enactments for the control of this sport. No bill could be more carefully drawn to safeguard the sport from those who would use it for profit only, than the one before me. The proposed bill provides for licensing every one identified with the sport of boxing and sparring, no matter how far removed from the actual participation, and leaves to the State the power to deal with them by withdrawal of the license when their conduct is such as not to promote the welfare of this form of amusement. The old law, repealed several years ago, contained no such safeguards. No license can be issued under the proposed bill to any but a bona fide corporation which shall have given a bond and which must either own a building or have a lease thereon for a term of not less than one year. In this respect the proposed bill differs from the old law, and will have for its purpose the discouragement of fly-by-night organizations whose control would be in the hands of irresponsible promoters.

The bill contains a provision for an unpaid board of license, thereby lifting that important feature from the sole control of the board of commissioners, whose duties it will be to administer the law.

Under this bill the sport is further safeguarded by preventing, directly or indirectly, any corporation from having any interest in a competitor on the premises of that corporation.

Ample provision is made for a physical examination of the contestants by licensed physicians, who must be present at the ringside. There is an age limit for both contestants and patrons, Unfair matches will be prevented by its provisions, and ticket-scalping will be impossible, in that all tickets of admission must bear clearly on their face the purchase price of the same. The bill requires the presence of a State official at the ringside of each contest.

The bill was opposed by a very small group, while, on the other hand, it has the almost unanimous approval of the Legislature and of the American Legion, and over a thousand clergymen of all denominations, who might be expected, if this bill did not deal cleanly with a legitimate sport, to oppose it, have written me urging my signature.

The stress of the times demands healthy and wholesome amusement for the men of the State, and when an amusement can be afforded, under such rigid restrictions and control by the State itself as this bill provides, no possible harm, and on the other hand a great amount of good, can and will result from its enactment.

For all of the above reasons the bill is approved.

(Signed) ALFRED E. SMITH.

V

EMERGENCY MESSAGES

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V

EMERGENCY MESSAGES

Messages certifying to the necessity of the immediate passage of specified Assembly and Senate bills, in compliance of section 15 of article 3 of the Constitution, were sent to the Legislature of 1920 from time to time by Governor Smith. The measures to which the messages applied were as follows:

January 19. Assembly Bill, Int. No. 82, Printed No. 82, entitled "An act to legalize, ratify and confirm and make effectual and valid the acts and proceedings of the state engineer and surveyor, the superintendent of public works, the canal board and the city of Oswego, the water service commission and its president, the common council and the mayor of the city of Oswego, in relation to the conveyance by the state to the city of Oswego of its interest in certain lands near the west end of barge canal dam number six in the Oswego river, the state's interest, if any, in the use of one-half of the surplus waters impounded by said dam and the right to attach to said dam and maintain forebay or race walls and to flow such waters as said city now is or may hereafter become entitled to use over the intervening state lands and structures, and in consideration of such conveyance by the state, the release of the state by the city of Oswego from certain claims and demands growing out of the taking or occupation by the state lands of the city of Oswego and its predecessors in title, and out of the construction and maintenance and operation of the improved Oswego canal and in relation to an undertaking by the city of Oswego to reimburse the state for any damages hereafter occasioned." *Approved as chapter* 2.

February 2. Senate Bill, Int. No. 263, Printed No. 267, entitled "An act making an appropriation for the suppression and control of influenza and other diseases of the respiratory tract." *Approved as chapter* 5.

February 10. Senate Bill, Int. No. 333, Printed No. 340, entitled "An act making appropriation to supply deficiencies in appropriations made for the current fiscal year to the State Industrial Commission." *Approved as chapter* 7.

February 16. Senate Bill, Int. No. 465, Printed No. 476, entitled "An act to provide for the acquisition by the state of certain real property in the city of New York and making an appropriation therefor." *Approved as chapter* 9.

March 24. Senate Bill, Int. No. 1237, Printed No. 1422, entitled "An act to authorize the Superintendent of Prisons to acquire in behalf of the state certain farm lands in Cayuga County for the employment of prisoners and to authorize the expenditure of money and making the appropriation therefor." *Approved as chapter* 85.

March 31. Senate Bill, Int. No. 776, Printed No. 824, entitled "An act to amend the code of civil procedure in relation to summary proceedings to recover the possession of real property." *Approved as chapter* 134.

March 31. Senate Bill, Int. No. 777, Printed No. 825, entitled "An act to amend the code of civil procedure, in relation to summary proceedings to recover possession of real property." *Approved as chapter* 132.

March 31. Senate Bill, Int. No. 1132, Printed No. 1552, entitled "An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class or in cities in a county adjoining a city of the first class," as amended. *Approved as chapter* 136.

March 31. Senate Bill, Int. No. 1135, Printed No. 1547, entitled "An act to amend the code of civil procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class and in cities in a county adjoining a city of the first class," as amended. *Approved as chapter* 139.

March 31. Senate Bill, Int. No. 1133, Printed No. 1287, entitled "An act to repeal section two hundred and thirty of the real property law, relating to liability of tenant holding over after receiving notice to quit." *Approved as chapter* 138.

March 31. Senate Bill, Int. No. 16, Printed No. 1548, entitled "An act to amend the code of civil procedure in relation to summary proceedings to recover the possession of real property." *Approved as chapter* 133.

March 31. Senate Bill, Int. No. 19, Printed No. 1550, entitled "An act to amend the real property law in relation to certain agreements for the occupation of real estate." *Approved as chapter* 130.

March 31. Senate Bill, Int. No. 1314, Printed No. 1567, entitled "An act to amend the code of civil procedure, in relation to action to recover real property." *Approved as chapter* 135.

March 31. Senate Bill, Int. No. 1134, Printed No. 1546, entitled "An act in relation to summary proceedings to recover the possession of real property in cities of first class or in cities in a county adjoining a city of the first class during the existing emergency," as amended. *Approved as chapter* 137.

March 31. Senate Bll, Int. No. 25, Printed No. 1551, entitled "An act to amend the New York City municipal court code, in relation to proceedings for eviction of tenants." *Approved as chapter* 210.

March 31. Senate Bill, Int. No. 18, Printed No. 1549, entitled "An act to amend the penal law in relation to wilful violation of the terms of the law." *Approved as chapter* 131.

April 12. Senate Bill, Int. No. 1581, Printed No. 2001, entitled "An act making appropriations for certain items of the supplies, repairs and personal services in the offices of the superintendent of public buildings, and trustees of public buildings." *Approved as chapter* 211.

April 19. Senate Bill, Int. No. 1700, Printed No. 2194, entitled "An act to amend the education law in relation to calling and holding taxpayers' elections to vote upon the question of issuing bonds for public school purposes in the city of Poughkeepsie, and to the issuing of such bonds by the city of Poughkeepsie." *Approved as chapter* 498.

April 20. Senate Bill, Int. No. 201, Assembly Reprint No. 2188, entitled "An act to amend the workmen's compensation law in relation to occupational diseases," as amended. *Approved as chapter* 538.

April 20. Senate Bill, Int. No. 1616, Printed No. 2036, entitled "An act to amend the tax law in relation to taxable transfers," as amended. *Approved as chapter* 765.

April 20. Senate Bill, Int. No. 1714, Printed No. 2228, entitled "An act to amend the insanity law in relation to the wages which may be paid State Hospital employees for services in order that proper and suitable employees can be secured for State Hospitals for the insane." *Approved as chapter* 315.

April 22. Senate Bill, Int. No. 1727, Printed No. 2254, entitled "An act to amend chapter 154 of the laws of 1920, entitled 'An act making an appropriation for the state's share of the cost of construction and improvement of rural post roads, etc,' in relation to the provisions affecting the elimination or alteration of certain grade crossings." *Failed of passage.*

April 22. Senate Bill, Int. No. 1676, Printed No. 2144, entitled "An act to amend the educational law in respect to compulsory education," as amended. *Failed of passage.*

April 22. Assembly Bill, Int. No. 727, Printed No. 785, entitled "An act to amend the workmen's compensation law in relation to the payment of administration expenses of the state insurance fund directly out of its premium income," as amended. *Approved as chapter* 530.

April 23. Assembly Bill, Int. No. 735, Printed No. 2044, Senate Reprint 2245, entitled "An act to amend the workmen's compensation law in relation to fees in connection with claims for compensation," as amended. *Approved as chapter* 529.

April 23. Senate Bill, Int. No. 35, Printed No. 898, entitled "An act to amend the public health law, in relation to the practice of nursing," as amended. *Approved as chapter* 742.

April 23. Senate Bill, Int. No. 1725, Printed No. 2248, entitled "An act to amend the county law in relation to coroners in Westchester county." *Approved as chapter* 450.

April 23. Senate Bill, Int. No. 1313, Printed No. 1733, entitled "An act to amend the workmen's compensation law generally," as amended. *Approved as chapter* 532.

April 23. Senate Bill, Int. No. 41, Printed No. 1761, Assembly Reprint No. 2268, entitled "An act to amend the educational law in relation to state scholarships for honorably discharged soldiers, sailors, and marines, and making an appropriation therefor." *Approved as chapter* 893.

April 23. Assembly Bill, Int. No. 107, Printed No. 2235, entitled "An act making provision for issuing bonds to the amount of not to exceed fifty million dollars for the payment of the bonus to persons who served in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, to the eleventh day of November, nineteen hundred and eighteen, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and twenty," as amended. *Approved as chapter* 872.

April 23. Senate Bill, Int. No. 1686, Printed No. 2207, entitled "An act to amend the education law relative to salaries of teachers and employees and providing state aid for the payment therefor." *Approved as chapter* 680.

April 24. Senate Bill, Int. No. 1730, Printed No. 2258, entitled "An act making an appropriation for certain expenses incurred by the public service commission of the first district in defense of the constitutionality of certain statutes." *Approved as chapter* 449.

April 24. Senate Bill, Int. No. 1629, Printed No. 2064, entitled "An act to amend the educational law in relation to industrial teachers' scholarships, and making an appropriation therefor," as amended. *Approved as chapter* 853.

April 24. Senate Bill, Int. No. 1732, Printed No. 2268, entitled "An act making an appropriation for the payment of contingent expenses of the state department of excise." *Approved as chapter* 913.

April 24. Senate Bill, Int. No. 1731, Printed No. 2265, entitled "An act to amend the greater New York charter, in relation to issuing certificates of indebtedness of certain school expenses." *Approved as chapter* 792.

April 24. Senate Bill, Int. No. 1676, Printed No. 2256, entitled "An act to amend the education law, in respect to compulsory education." *Failed of passage.*

April 24. Senate Bill, Int. No. 356, Printed No. 1435, Assembly Reprint No. 2264, entitled "An act making an appropriation for the state institute for the study of malignant diseases, for the purchase, care and use of radium." *Approved as chapter* 903.

April 24. Assembly Bill, Int. No. 1177, Printed No. 2221, entitled "An act to amend the election law in relation to voting by absentee voters." *Approved as chapter* 875.

April 24. Senate Bill, Int. No. 1319, Printed No. 1829, entitled "An act to amend the tax law, in relation to distribution of the income tax," as amended. *Approved as chapter* 694.

April 24. Senate Bill, Int. No. 1399, Printed No. 1901, entitled "An act to amend the railroad law, in relation to coal jimmies and caboose cars," as amended. *Approved as chapter* 430.

April 24. Assembly Bill, Int. No. 45, Printed No. 2277, entitled "An act to amend the public service commissions law, in relation to the general powers of commissions to suspension of rates of telegraph and telephone corporations." *Failed of passage.*

Aprial 24. Assembly Bill, Int. No. 703, Printed No. 757, entitled "An act to amend the membership corporations law, in relation to

soldiers' monument corporations," as amended. *Approved as chapter* 506.

April 24. Senate Bill, Int. No. 1408, Printed No. 2046, entitled "An act to amend the charter of the city of Jamestown, in relation to the estimate, amount and payment of charges for water and electricity used by the city for public purposes and levying and collecting of taxes therefor." *Passed and returned by Mayor, not accepted.*

EXTRAORDINARY SESSION

September 20. Senate Bill, Int. No. 14, Printed No. 14, entitled "An act to amend chapter 342 of the laws of nineteen hundred and sixteen, entitled 'An act creating a commission to negotiate for the transfer of the quarantine establishment of the United States with power to effectuate such transfer, and if such transfer be effectuated, abolishing the office of health officer for the port of New York and ceding jurisdiction over the quarantine establishment to the United States,' in relation to the transfer of furniture and equipment in connection with such establishment." *Approved as chapter* 956.

September 20. Senate Bill, Int. No. 16, Printed No. 16, entitled "An act in relation to the assessment of taxes in the city of Watertown for the year nineteen hundred and twenty." *Approved as chapter* 955.

September 23. Senate Bill, Int. No. 9, Printed No. 9, entitled "An act to amend the code of civil procedure, in relation to the returning day of precepts in summary proceeding to recover the possession of real property and the time of service thereof." *Approved as chapter* 952.

September 23. Senate Bill, Int. No. 37, Printed No. 37, entitled "An act providing for the preparation and publication of an official index of the civil practice act, other acts relative to civil practice, and civil practice rules, and making an appropriation therefor." *Approved as chapter* 954.

September 23. Senate Bill, Int. No. 10, Printed No. 10, entitled "An act to amend the penal law, in relation to wilful violations of the terms of a lease." *Approved as chapter* 951.

September 23. Senate Bill, Int. No. 35, Printed No. 35, entitled "An act to provide for the construction, by the state of a hospital for discharged soldiers, sailors and marines, from the state of New York, suffering from mental diseases, and making an appropriation therefor," as amended. *Approved as chapter* 958.

September 23. Senate Bill, Int. No. 7, Printed No. 7, entitled "An act to amend the code of civil procedure, in relation to stays on appeal from final orders in summary proceedings." *Approved as chapter* 943.

September 23. Senate Bill, Int. No. 6, Printed No. 6, entitled "An act to amend the code of civil procedure, in relation to summary proceedings to recover the possession of real property in

cities of first class and in cities in a county adjoining a city of the first class." *Approved as chapter* 950.

September 23. Senate Bill, Int. No. 3, Printed No. 3, entitled "An act to amend the banking law, in relation to investment of public funds in bonds of the state land bank." *Approved as chapter* 946.

September 23. Senate Bill, Int. No. 28, Printed No. 28, entitled "An act to amend the Greater New York charter, in relation to the insurance of certificates of indebtedness in the year nineteen hundred and twenty." *Approved as chapter* 961.

September 23. Senate Bill, Int. No. 27, Printed No. 27, entitled "An act to amend the Greater New York charter, in relation to use of the proceeds of bond issues," as amended. *Approved as chapter* 960.

September 23. Senate Bill, Int. No. 44, Printed No. 45, entitled "An act to repeal chapter twenty of the laws of nineteen hundred and twenty and reappropriating certain funds to the Brooklyn State Hospital." *Approved as chapter* 959.

September 24. Senate Bill, Int. No. 49, Printed No. 52, entitled "An act to amend chapter one hundred and thirty-seven of the laws of nineteen hundred and twenty, entitled 'An act in relation to summary proceedings to recover the possession of real property in cities of the first class or in cities in a county adjoining a city of the first class during the existing emergency,' in relation to the application of such act." *Approved as chapter* 948.

September 24. Senate Bill, Int. No. 50, Printed No. 50, entitled "An act to amend the code of civil procedure, in relation to actions to recover the possession of real property in certain cities and to repeal section fifteen hundred and thirty-one-a thereof." *Approved as chapter* 947.

September 24. Senate Bill, Int. No. 2, Printed No. 39, entitled "An act to amend the tax law, in relation to the exemption from local taxation of new buildings planned for dwelling purposes," as amended. *Approved as chapter* 949.

September 24. Senate Bill, Int. No. 4, Printed No. 4, entitled "An act to amend the code of civil procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class, and in cities in a county adjoining a city of the first class, for default in the payment of rent," as amended. *Approved as chapter* 945.

September 24. Senate Bill, Int. No. 5, Printed No. 5, entitled "An act to amend chapter two hundred and thirty-six of the laws of nineteen hundred and twenty, entitled 'An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class or in cities in a county adjoining a city of the first class,' generally," as amended. *Approved as chapter* 944.

September 24. Senate Bill, Int. No. 1, Printed No. 1, entitled "An act to amend the tax law, in relation to exempting interest on mortgages and certain other securities from taxation as personal income," as amended. *Failed of passage.*

September 24. Senate Bill, Int. No. 20, Printed No. 20, entitled "An act to provide relief in an emergency existing in the city of New York, due to lack of housing; and to enable the city of New York to provide means to encourage the construction of new dwellings, apartment and tenement houses in said city, during such emergency," as amended. *Failed of passage.*

September 24. Senate Bill, Int. No. 21, Printed No. 21, entitled "An act to amend the tax law, in relation to exemption from taxation where dwelling, tenement and apartment improvements are erected under the control and direction of a municipal board or commission as trustees to provide relief in emergency due to lack of housing in cities of the first class." *Failed of passage.*

September 24. Senate Bill, Int. No. 30, Printed No. 30, entitled "An act to amend the public service commissions law, in relation to the general powers of commissions to suspend rates of telegraph and telephone corporations," as amended. *Failed of passage.*

September 24. Senate Bill, Int. No. 22, Printed No. 22, entitled "An act to amend the Greater New York charter, authorizing the mayor to appoint a director of housing." *Failed of passage.*

September 24. Senate Bill, Int. No. 23, Printed No. 23, entitled "An act to amend the general business law, in relation to the rate of interest." *Failed of passage.*

September 24. Senate Bill, Int. No. 24, Printed No. 24, entitled "An act to amend the Greater New York charter, relating to the administration of the sinking fund," as amended. *Failed of passage.*

September 24. Senate Bill, Int. No. 25, Printed No. 25, entitled "An act to amend the code of civil procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class and in cities in a county adjoining a city of the first class, and to repeal chapter one hundred and thirty-seven of the laws of nineteen hundred and twenty, entitled 'An act in relation to summary proceedings, to recover the possession of real property in cities of the first class or in cities in a county adjoining a city of the first class during the existing emergency,'" as amended. *Approved as chapter* 942.

September 24. Senate Bill, Int. No. 46, Printed No. 54, entitled "An act to amend the Greater New York charter, in relation to the design, construction, purchase and operation of omnibuses in the city of New York." *Failed of passage.*

September 24. Senate Bill, Int. No. 47, Printed No. 49, entitled "An act making appropriations for emergencies for the current fiscal year, supplying deficiencies in former appropriations, and other expenses of government." *Approved as chapter* 941.

September 24. Senate Bill, Int. No. 51, Printed No. 51, entitled "An act to amend the code of civil procedure, in relation to the jurisdiction of justices of the peace in certain cities of the second class." *Approved as chapter* 953.

September 24. Senate Bill, Int. No. 15, Printed No. 15, Assembly Reprint No. — entitled "An act to amend the state finance law, in relation to temporary loans and revenue bonds," as amended. *Failed of passage.*

VI

APPOINTMENTS

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VI

APPOINTMENTS

APPOINTMENTS — GOVERNOR DIRECT

Secretary to the Governor

Apr. 2. Jeremiah F. Connor, of Oneida, to succeed George R. Van Namee, resigned.

Military Secretary to the Governor

July 29. Major Clarence Strevell, of Albany, detailed from Adjutant General's office to succeed Alfred J. Glynn, resigned.

CHANGES IN MILITARY STAFF — 1920

Major Tracy Lewis, promoted from Captain.
Captain Frederick M. E. Schaeffer.
First Lieutenant Charles F. LaTour.
Second Lieutenant Walter F. Hagan.

Miscellaneous Departments, Boards and Commissions

Trustees of the State Institute of Applied Agriculture on Long Island

Jan. 19. Frank P. Nohowel, of Bay Shore, to succeed John M. Lupton, term expired.
Mar. 3. John Angleman, of New Brighton, to succeed William Wert Mills, term expired.
June 2. Kathryn Reed Pierrepont, of Brooklyn, to succeed William S. Macdonald, term expired.
Jacob W. Heineman, of Hollis, reappointed.
Aug. 7. Hilda Ward, of Roslyn, to succeed Henry W. Underhill, term expired.
Dec. 13. Irving J. Long, of Bay Shore, reappointed.

Trustees of the Schoharie State School of Agriculture

Jan. 12. George A. Parsons, of Sharon Springs, to succeed Arthur T. Warner, term expired.
Dec. 29. Irvin Winnie, of Seward, to succeed Elias Babcock, term expired.

Members of the Board of Embalming Examiners of the State of New York

Jan. 12. William J. Phillips, of Albany, reappointed.
James J. McLarney, of New York City, reappointed.
Dec. 8. Henry Sauerwein, of Buffalo, reappointed.

Appointive Member of the Public Health Council

Jan. 29. T. Mitchell Prudden, M. D., of New York City, reappointed.

State Racing Commissioners

Jan. 12. James W. Wadsworth, Sr., of Geneseo, reappointed.
Harry F. Sinclair, of New York City, to succeed John Sanford, term expired.
George W. Loft, of Baldwin, to succeed Harry K. Knapp, term expired.

NOTE.—On June 3 the three Commissioners above named were reappointed for full terms of five years.

Trustee of the Supreme Court Library at Elmira

Jan. 26. Lewis E. Mosher, of Elmira, to succeed Thomas F. Fennell, term expired.

Trustees of the Supreme Court Library at Norwich

Jan. 12. Arthur W. Morse, of New Berlin, reappointed.
James P. Hill, of Norwich, reappointed.

Trustees of the Supreme Court Library at Poughkeepsie

Jan. 12. John E. Mack, of Poughkeepsie, reappointed.
Samuel K. Phillips, of Matteawan, reappointed.
Frederic Barnard, of Poughkeepsie, reappointed.
Frank B. Lown, of Poughkeepsie, reappointed.

Trustees of the Supreme Court Library at Troy

Jan. 12. John A. Cipperly, of Troy, reappointed.
Michael A. Tierney, of Troy, reappointed.

Trustee of the Supreme Court Library at White Plains

Jan. 26. Walter G. C. Otto, of New Rochelle, to succeed Michael J. Tierney, deceased.

Member of the State Commission on Pensions

Jan. 12. William M. Thomas, of Albany, to succeed William Chilvers, resigned.

Trustees of the State Institute for the Study of Malignant Disease

Feb. 2. Seymour Oppenheimer, M. D., of New York City, to succeed Charles S. Fairchild, resigned.
Aug. 7. James Erving, M. D., of Ithaca, to succeed Seymour Oppenheimer, M. D., resigned.

Members of the Board of Trustees of the Schuyler Mansion

Feb. 9. Albert Hessberg, of Albany, reappointed.
Sept. 20. Samuel Hessberg, of Albany, to succeed Albert Hessberg, deceased.

Feb. 9. John M. Clarke, of Albany, to succeed John A. Delehanty, term expired.
James F. Tracey, of Albany, reappointed.
Robert Olcott, of Albany, to succeed Parker Corning, term expired.

Trustees of the New York Agricultural Experiment Station

Mar. 3. C. Fred Boshart, of Lowville, reappointed.
Peter G. Ten Eyck, of Albany, to succeed Parker Corning, term expired.
Aug. 12. Irving Rouse, of Rochester, reappointed.

Members of the Governor's Labor Board

Mar. 24. A. E. Lefcourt, of New York City, to succeed Saul Singer, resigned.
Apr. 28. Sidney Detmers, of Buffalo, to succeed Edward J. Barcalo, resigned.

Attorney of the St. Regis Tribe of Indians

Apr. 7. Maurice W. Lantry, of Bombay, to succeed F. L. Cross, term expired.

Appointive Member of the State Probation Commission

June 3. Edward C. Blum, of Brooklyn, reappointed.

Members of the Board of Governors of the New York State Nautical School

June 3. William R. Evans, of Buffalo, reappointed.
Arthur B. Conner, of New York City, to succeed Arthur M. Smith, term expired.

Member of the Military Training Commission

June 4. George J. Fisher, M. D., of New York City, reappointed.

Members of the Commission to Examine Laws Relating to Child Welfare, Pursuant to the Provisions of Chapter 699 of the Laws of 1920

June 3. George J. Gillespie, of New York City.
Sept. 24. Cornelius F. Collins, of New York City, to succeed George J. Gillespie, who, as an official of the city of New York, was unable to serve.
June 3. Mary A. Kavanagh, of Buffalo.
Irving I. Goldsmith, of Saratoga Springs.
Sophie Irene Loeb, of New York City.
Ellen M. Joyce, of Brooklyn.

Members of the Commission to Represent the State at Hearings Before the International Joint Commission on Boundary Waters Between the United States and the Dominion of Canada, Pursuant to the Provisions of Chapter 806 of the Laws of 1920

June 3. Murray Hurlbert, of New York City.
Henry W. Hill, of Buffalo.

Members of the Convention to Consider and Adopt Rules of Civil Practice, Pursuant to the Provisions of Chapter 902 of the Laws of 1920

June 3. John Godfrey Saxe, of New York City.
William N. Dykman, of Brooklyn.
8. John J. Kuhn, of New York City, to succeed William N. Dykman, who was unable to serve.
3. Alphonso T. Clearwater, of Kingston.
Edgar T. Brackett, of Saratoga.
Delos M. Cosgrove, of Watertown.
Hubert C. Stratton, of Oxford.
James A. Parsons, of Hornell.
William P. Brennan, of Buffalo.
Clifford Couch, of Peekskill.

Members of the Roosevelt Memorial Commission, Pursuant to the Provisions of Chapter 889, Laws of 1920

June 3. Henry Fairfield Osborn, of New York City.
Peter D. Kiernan, of Albany.

Commissioners to Examine Voting Machines

Aug. 7. William A. Dunne, of Troy, reappointed.
John Ginley, of Syracuse, to succeed Patrick J. Cawley, term expired.
10. Mois H. Avram, of New York City, to succeed Edwin W. Fiske, term expired.

Members of the State Boxing Commission, Pursuant to the Provisions of Chapter 912 of the Laws of 1920

Aug. 12. Joseph Johnson, of New York City.
Edward W. Ditmars, of Brooklyn.
Walter G. Hooke, of Yonkers.

Members of the License Committee of the State Boxing Commission

Aug. 12. Lawrence McGuire, of New York City.
D. Walker Wear, of Binghamton.
Charles E. Walsh, of Albany.

Member of the State Advisory Commission for the Rehabilitation of Physically Handicapped Persons, Pursuant to the Provisions of Chapter 760 of the Laws of 1920

Aug. 24. Edward F. Boyle, of New York City.

Member of the New York State Commission for the Blind

Sept. 20. William M. Mehl, M. D., of Buffalo, to succeed George B. Burd, term expired.

Members of the Commission to Provide for the Construction of a Hospital for Discharged Soldiers, Sailors and Marines, Pursuant to the Provisions of Chapter 958 of the Laws of 1920

Oct. 1. Thomas W. Salmon, M. D., of New York City.
Nov. 9. Hugh Frayne, of New York City.

Members of the Industrial Council

Nov.24. Arthur E. Parsons, of Syracuse, to succeed George E. Emmons, resigned.

Charles M. Winchester, of Albany, to succeed Richard C. Stofer, deceased.

Morris M. Davidson, of Firthcliffe, to succeed Martin H. Christopherson, resigned.

Samuel Rothschild, of Gloversville, to succeed Carleton A. Chase, resigned.

APPOINTMENTS — GOVERNOR DIRECT

City and County Officials

County Clerk, Bronx County

Jan. 3. Robert L. Moran, of Bronx, to succeed Joseph M. Callahan, resigned.

Coroner, Lewis County

Jan. 19. Cyrille P. Kirley, M. D., of Lowville, to succeed F. E. Jones, M. D., resigned.

Coroner, Sullivan County

Jan. 19. Augustus Mayer, M. D., of Callicoon, to succeed Scott B. Schleiermacher, M. D., removed from county.

Sheriff, Queens County

Jan. 21. William H. George, of Richmond Hill, to succeed Samuel J. Mitchell, term expired.

County Clerk, Jefferson County

Feb. 2. Joseph Nellis, of Watertown, to succeed Perley A. Pitcher, resigned.

Justice of the City Court of the City of New York

Feb. 17. Thomas T. Reilley, of New York City, to succeed Richard H. Smith, deceased.

Coroner, Herkimer County

Mar.12. William H. Petrie, M. D., of Dolgeville, to succed Ralph P. Huyck, resigned.

Supervisor, Town of Highlands, Orange County

Mar.22. John F. Pierce, of Highland Falls, to succeed George W. Flood, deceased.

Town Clerk, Town of Highlands, Orange County

Mar.22. Francis Huber, of Highland Falls, to succeed Daniel MacDonald, deceased.

Justice of the Peace, Town of Highlands, Orange County

Mar. 22. Moses F. Nelson, of Highland Falls, vice himself, failed to qualify.
Joseph Adolph, of Highland Falls, to succeed John F. Pierce, failed to qualify.
James Reidy, of Highland Falls, to succeed George W. Winfield, failed to qualify.

Coroner, Saratoga County

July 30. David C. Nolan, M. D., of Saratoga Springs, to succeed Edward C. Gow, M. D., resigned.

Coroner, Genesee County

Sept. 21. Ward B. Manchester, of Batavia, to succeed Edgar Bieber, M. D., resigned.

District Attorney, Jefferson County

Dec. 17. T. Arthur Hendricks, of Watertown, to succeed Jerome B. Cooper, resigned.

Judge, Court of General Sessions, New York County

Dec. 28. Alfred J. Talley, of New York City, to succeed James T. Malone, deceased.

District Attorney, Bronx County

Dec. 28. Edward J. Glennon, of New York City, to succeed Francis Martin, resigned.

County Judge, Kings County

Dec. 28. George W. Martin, of Brooklyn, to succeed Charles J. McDermott, resigned.

County Judge, Jefferson County

Dec. 30. John Conboy, of Watertown, to succeed Claude B. Alverson, resigned.

Sheriff, Bronx County

Dec. 30. Thomas H. O'Neil, of New York City, to succeed James F. Donnelly, resigned.

County Clerk, Oneida County

Dec. 31. Joseph A. Hamlin, of Utica, to succeed Charles Wenzel, deceased.

APPOINTMENTS—GOVERNOR DIRECT

Supreme Court Justice

Justice of the Supreme Court, Fourth Judicial District

Nov. 6. James McPhillips, of Glens Falls, to succeed George R. Salisbury, deceased.

APPOINTMENTS—GOVERNOR AND SENATE

Miscellaneous Departments, Boards and Commissions

State Architect

Jan. 12. Lewis F. Pilcher, of Brooklyn, reappointed. Confirmed January 12.

Additional Judge of the Court of Claims

Jan. 22. Charles Morschauser, of Poughkeepsie, to succeed Charles R. Paris, deceased. Confirmed January 26.

Commissioner of Health

Jan. 12. Hermann M. Biggs, M. D., of New York City, reappointed. Confirmed January 12.

Attorney of the Seneca Nation of Indians

Jan. 12. Jesse M. Seymour, of Salamanca, reappointed. Confirmed January 12.

Commissioners of the State Reservation at Niagara

Jan. 12. Paul A. Schoellkopf, of Niagara Falls, reappointed.
Robert H. Gittins, of Niagara Falls, reappointed. Confirmed January 12.

Port Wardens of the Port of New York

Jan. 19. James A. Farley, of Grassy Point, to succeed James B. Montgomery, term expired. Confirmed April 13.
Leroy A. Judge, of Northport, to succeed William W. Smith, term expired. Confirmed April 1.
Julius V. Lyons, of New York City, to succeed Louis Jacobson, term expired. Confirmed March 24.

Mar. 3. David S. Rendt, of Tompkinsville, to succeed Michael H. Blake, term expired. Confirmed April 1.

11. Everett M. Price, of Bellport, reappointed. Confirmed March 24.

Public Service Commissioners for the First District

Jan. 12. Lewis Nixon, of New York City, reappointed. Confirmed February 11.

Nov. 5. Alfred M. Barrett, of Flushing, to succeed Lewis Nixon, resigned. Recess appointment requiring confirmation.

Public Service Commissioner for the Second District

Feb. 9. George R. Van Namee, of Watertown, to succeed Thomas F. Fennell, term expired. Confirmed April 1.

Transit Construction Commissioner

Jan. 12. John H. Delaney, of Brooklyn, reappointed. Confirmed February 2.

Superintendent of Public Works

Jan. 12. Edward S. Walsh, of Brooklyn, reappointed. Confirmed February 4.

State Tax Commissioner

Jan. 19. James D. Smith, of Utica, to succeed Walter H. Knapp, term expired. Confirmed February 25.

NOTE.—Commissioner Michael J. Walsh of Yonkers was designated by the Governor as chairman on March first to succeed Walter H. Knapp in that office.

Member of the Board of Commissioners of the Newtown Battlefield Reservation

Jan. 26. John M. Connelly, of Elmira, reappointed. Confirmed January 26.

Commissioner of the Mohansic Lake Reservation

Jan. 26. John J. Crennan, of New Rochelle, reappointed. Confirmed January 26.

Members of the Board of Commissioners of the Herkimer Home

Jan. 12. Frank West, of Mohawk, reappointed. Confirmed February 11.

Ella C. Bellinger, of Fort Plain, reappointed. Confirmed February 11.

Mar. 29. Eugene M. Walrath, of Little Falls, to succeed Robert A. Patchke, term expired. Confirmed April 13.

Elizabeth S. LeRoy, of Ilion, reappointed. Confirmed April 13.

Sept. 20. Estella Folts Callan, of Ilion, to succeed Frances W. Roberts, resigned. Recess appointment requiring confirmation.

Commissioners of the Palisades Interstate Park

Feb. 26. John J. Voorhees, of Jersey City, New Jersey, reappointed. Confirmed February 26.

Edward L. Partridge, of Cornwall-on-Hudson, reappointed. Confirmed February 26.

Industrial Commissioners

Feb. 9. Edward F. Boyle, of New York City, reappointed. Confirmed February 25.

Cyrus W. Phillips, of Rochester, to succeed John Mitchell, deceased. Confirmed February 25.

NOTE.—Edward F. Boyle was designated by the Governor as chairman on March first.

Commissioners of the State Board of Charities

Mar. 3. J. Richmond Kevin, M. D., of Brooklyn, reappointed. Confirmed March 3.

Nov. 8. Michael J. Mulqueen, of New York City, to succeed George J. Gillespie, resigned. Recess appointment requiring confirmation.

Superintendent of Banks

Mar. 25. George V. McLaughlin, of Brooklyn, to succeed George I. Skinner, term to expire July 1. Confirmed April 13.

Trustee, Cornell University

Mar. 29. Horace White, of Syracuse, reappointed. Confirmed March 17.

State Fair Commissioner

Mar. 11. George R. Fitts, of McLean, to succeed Charles A. Wieting, term expired. Confirmed March 17.

Trustees of Washington's Headquarters

Mar. 3. Michael J. Dwyer, of Newburgh, reappointed. Confirmed March 3.
Samuel L. Stewart, of Newburgh, reappointed. Confirmed March 3.

Commissioner of the Watkins Glen Reservation

Mar. 12. Lewis H. Durland, of Watkins, to succeed Charles M. Durland, term to expire July 21. Confirmed March 17.

Trustees of the State School of Agriculture at Morrisville

Apr. 19. J. Arthur Brooks, of Cazenovia, reappointed. Confirmed April 19.
Irving S. Sears, of Hamilton, reappointed. Confirmed April 19.
Herbert C. Wood, of Morrisville, to succeed John H. Broad, term to expire November 16. Confirmed April 20.

Commissioner of the Fire Island State Park

Apr. 19. Edward Thompson, of Huntington, reappointed. Confirmed April 19.

Agent of the Onondaga Indians Residing on the Onondaga Reservation

Apr. 19. Almeron B. Fenner, of South Onondaga, reappointed. Confirmed April 19.

Members of the State Commission of Prisons

Apr. 19. Sarah L. Davenport, of Bath, reappointed. Confirmed April 20.
Cecilia D. Patten, of Saratoga Springs, to succeed Allan I. Holloway, term to expire June 21. Confirmed April 20.
Charles S. Rogers, of Hudson, to succeed George W. Davids, term to expire June 21. Confirmed April 20.

Commissioners of the Enfield Falls Reservation, Pursuant to the Provisions of Chapter 343, *Laws of* 1920

May 19. Robert H. Treman, of Ithaca.
Liberty Hyde Bailey, of Ithaca.
Edwin C. Stewart, of Ithaca.
George A. Blauvelt, of Monsey.
William E. Leffingwell, of Watkins.

Recess appointments requiring confirmation

Trustees of the State College of Forestry at Syracuse University

July 30. Celestin C. Burns, of Watertown, to succeed George C. Sherman, deceased. Recess appointment requiring confirmation.

Aug. 7. Harry P. Gould, of Lyons Falls, to succeed Francis Hendricks, deceased. Recess appointment requiring confirmation.

Commissioner for the Promotion of Uniformity of Legislation in the United States

Aug. 7. George Gleason Bogart, of Ithaca, to succeed Francis M. Burdick, deceased. Recess appointment requiring confirmation.

APPOINTMENTS—GOVERNOR AND SENATE

County Officials

County Judge, Onondaga County

Jan. 19. James J. Barrett, of Syracuse, to succeed D. Raymond Cobb, resigned. Confirmed January 19.

Special County Judge, Monroe County

Jan. 29. J. Stuart Page, of Rochester, to succeed J. Warrant Castleman, deceased. Confirmed January 30.

APPOINTMENTS — GOVERNOR AND SENATE

Supreme Court Justices

Justices of the Supreme Court, First Judicial District

Mar. 12. Edward J. McGoldrick, of New York City, to succeed Philip Henry Dugro, deceased. Confirmed March 15.

Mar. 29. William P. Burr, of New York City, to succeed Eugene A. Philbin, deceased. Confirmed April 1.

Apr. 21. Edward J. Glennon, of New York City, to succeed Francis K. Pendleton, resigned. Confirmed April 23.

APPOINTMENTS — GOVERNOR AND SENATE

Managers of State Hospitals

Mangers of the Kings Park State Hospital

Jan. 12. Matthew J. Tobin, of Brooklyn, reappointed. Confirmed January 12.

D. Henry Brown, of Riverhead, reappointed. Confirmed February 25.

Manager of the Brooklyn State Hospital

Jan. 12. Agnes Dorman Druhan, of Brooklyn, reappointed. Confimed January 12.

Managers of the Middletown State Homeopathic Hospital

Jan. 12. Frank Harding, of Middletown, reappointed. Confirmed January 12.

Feb. 2. J. Floyd Halstead, of Goshen, to succeed Frank Harding, resigned. Confirmed February 11.

Managers of the St. Lawrence State Hospital

Jan. 12. Mary S. Goodale, of Watertown, reappointed. Confirmed January 12.

Thomas Dinneen, of Ogdensburg, reappointed. Confirmed February 11.

Nov. 8. Nettie M. Hewitt, of Carthage, to succeed H. Putnam Allen, deceased. Recess appointment requiring confirmation.

Managers of the Utica State Hospital

Jan. 12. John D. Kernan, of Utica, reappointed. Confirmed January 12.

26. Clarence Edward Williams, of Utica, to succeed John D. Kernan, resigned. Confirmed February 11.

Manager of the Willard State Hospital

Jan. 12. Thomas J. Clary, of Seneca Falls, to succeed William S. MacDonald, term expired. Confirmed February 11.

Managers of the Buffalo State Hospital

Jan. 19. May Perry Cooke, of Buffalo, reappointed. Confirmed January 19.

Mar. 3. William A. Douglas, of Buffalo, to succeed George M. Zimmerman, resigned. Confirmed March 17.

Managers of the Central Islip State Hospital

Jan. 19. Ella M. Remy, of New York City. Confirmed January 19.

Fannie C. Smith, of Brooklyn, to succeed Fanny M. Pollak, resigned. Confirmed January 19.

Manager of the Gowanda State Homeopathic Hospital

Jan. 19. Henry W. Killeen, of Buffalo, to succeed William F. Wierling, term expired. Confirmed February 11.

Manager of the Manhattan State Hospital

Jan. 19. Julia Kemp West, of New York City, reappointed. Confirmed January 19.

Manager of the Rochester State Hospital

Jan. 19. John S. Bronk, of Rochester, reappointed. Confirmed January 19.

Manager of the Binghamton State Hospital

Feb. 2. William H. Hecox, of Binghamton, reappointed. Confirmed February 2.

Manager of the Hudson River State Hospital

Feb. 9. Joseph Schwartz, of Yonkers, to succeed William B. Dinsmore, resigned. Confirmed February 25.

APPOINTMENTS — GOVERNOR AND SENATE

Managers and Trustees of Charitable Institutions

Manager of the State Hospital for the Care of Crippled and Deformed Children

Jan. 12. Anastatia P. B. Redmond, of West Haverstraw, reappointed. Confirmed February 11.

Trustee of the State Hospital for the Treatment of Incipient Pulmonary Tuberculosis

Jan. 12. Lawrason Brown, M. D., of Saranac Lake, reappointed. Confirmed February 11.

Managers of the State Agricultural and Industrial School

Jan. 12. James E. Lockington, of Lima, reappointed. Confirmed February 11.

Feb. 2. Harry R. Darling, of Rochester, to succeed John McKie, term expired. Confirmed February 11.

Managers of the State Reformatory for Women

Jan. 12. Daniel P. Hays, of Pleasantville, reappointed. Confirmed February 11.

Apr. 1. Marion Cushman Fiske, of New York City, to succeed Katharine C. Marquand, resigned. Confirmed April 1.

May Therry Christian, of Elmira, to succeed Edith W. Macy, resigned. Confirmed April 1.

June 3. Menas S. Gregory, M. D., of New York City, to succeed William G. Barrett, resigned. Recess appointment requiring confirmation.

Aug. 21. Alice D. Menken, of New York City, to succeed Pearce Bailey, M. D., resigned. Recess appointment requiring confirmation.

Nov. 24. William Dean Embree, of New York City, to succeed Daniel P. Hays, resigned. Recess appointment requiring confirmation.

Managers of the State Training School for Girls

Jan. 12. John F. Brennen, of Hudson, reappointed. Confirmed January 12.

Mark O'Meara, M. D., of Kingston, reappointed. Confirmed February 11.

Managers of the Rome State School for Mental Defectives

Jan. 12. Abbie A. Hammann, of Rome, reappointed. Confirmed February 11.

26. Susan Hoagland, of Brooklyn, reappointed. Confirmed January 26.

Managers of the Women's Relief Corps Home

Jan. 12. Katherine Paulding, of Peekskill, to succeed Laura B. Clarke, term expired. Confirmed February 11.

Apr. 19. Oscar Smith, of Albany, to succeed John H. Forey, resigned. Confirmed April 19.

Manager of the Craig Colony

Jan. 19. Percy L. Lang, of Waverly, reappointed. Confirmed January 19.

Manager of the Thomas Indian School

Jan. 19. Charles L. Feigel, of Buffalo, to succeed Herman Johnson, term expired. Confirmed February 11.

Manager of the Newark State School for Mental Defectives

Jan. 26. James A. Randall, of Syracuse, reappointed. Confirmed January 26.

Managers of Letchworth Village

Jan. 26. Mortimer B. Patterson, of Nyack, reappointed. Confirmed January 26.

Aug. 7. Johnston L. Redmond, of New York City, to succeed Thomas J. Colton, resigned. Recess appointment requiring confirmation.

Sept. 29. James H. Morrissey, of Haverstraw, to succeed Johnston L. Redmond, failed to qualify. Recess appointment requiring confirmation.

Manager of the Syracuse State School for Mental Defectives

Jan. 26. Jessie B. Durston, of Syracuse, reappointed. Confirmed January 26.

Trustee of the State School for the Blind

Feb. 2. John Kennedy, of Batavia, reappointed. Confirmed February 2.

Managers of the Western House of Refuge for Women

Apr. 20. Sarah N. Bradshaw, of Tonawanda, to succeed Caroline H. Bliss, resigned. Confirmed April 20.

William B. Dye, of Albion, to succeed Christina L'Hommedieu, resigned. Confirmed April 20.

Trustees of the Soldiers and Sailors' Home

Apr. 22. James T. Rogers, of Binghamton, to succeed James R. Silliman, term expired. Confirmed April 22.

Alfred Wagstaff, of New York City, to succeed George Hollands, deceased. Confirmed April 22.

Honorary Appointments by the Governor

College des Etats Unis d'Amerique in Paris

February 17. Complying with the request of the Executive Committee of the Board of Directors of the College des Etats Unis d'Amerique in Paris, that the State of New York be represented on the Advisory Council of the College, the Governor designated Doctor William H. Carpenter, Provost of Columbia University in the City of New York, as the representative from this State.

Conference on Community Organization

March 17. Delegates to the Conference on Community Organization to be held in Washington, D. C., March 20, 1920:

Edward J. Boyle, New York City.
John H. Finley, Albany.
Archbishop Patrick J. Hayes, New York City.
R. J. Caldwell, New York City.
Mrs. C. C. Rumsey, New York City.
Thomas L. Chadbourne, New York City.
William Church Osborn, New York City.
George F. Johnson, Endicott, N. Y.
Adolph Lewisohn, New York City.
Mrs. Dexter P. Rumsey, Buffalo.
Mrs. Henry Altman, Buffalo.

American Library Association Committee

March 31. Delegates to the American Library Association Committees on Enlarged Program to be held in Atlantic City, N. J., April 10, 1920:

Charles B. Alexander, New York City.
Theodore L. Frothingham, Brooklyn.
Mrs. George Diven, Elmira.
E. H. Cluett, Troy.
Thomas T. Ransdell, Buffalo.
Rush Rhees, Rochester.

National Conference of Social Work

April 9. Delegates to the Forty-seventh Annual Meeting of the National Conference of Social Work, to be held in New Orleans, Louisiana, April 14–21, 1920:

Agnes Brown Leach, New York City.

American Academy of Political and Social Science

April 12. Delegates to the Twenty-fourth Annual Meeting of the American Academy of Political and Social Science, to be held in Philadelphia, Pa., May 7–8, 1920:

Abraham Portenar, Brooklyn.
Miss Nathalie Gilbert, Utica.
William P. Larkin, New York City.
Edward J. Barcalo, Buffalo.
Ordway Tead, New York City.

Weights and Measures

April 14. Weights and Delegate to the Thirteenth Annual Conference on Measures, to be held in Washington, D. C., May 24–27, 1920:

William T. White.

National Housing and Town Planning Council

April 22. Delegate to the Congress to be held under the auspices of the National Housing and Town Planning Council of Great Britain, in London, England, in the month of June, 1920:

Robert D. Kohn, New York City.

National Conference on Education

April 26. to be held in Delegates to the National Conference on Education, Washington, D. C., May 19–21, 1920:

James Byrne, New York City.
Peter J. Brady, New York City.
Dr. L. Emmet Holt, New York City.
Lee Kohns, New York City.
Alfred E. Marling, New York City.
Mrs. Frank A. Vanderlip, Scarborough-on-Hudson.
William R. Willcox, New York City.
Dr. Albert Shaw, New York City.
Dr. W. L. Ettinger, New York City.
J. S. Wright, Falconer.
Dr. A. R. Brubacher, Albany.
W. N. Giles, Skaneateles.
Mrs. Florence E. S. Knapp, Syracuse.
Dr. Percy I. Bugbee, Oneonta.
Charles B. Alexander, New York City.
William H. Allen, New York City.

Child Welfare Conference

May 22. Delegates to the Twenty-fourth Annual Child Welfare Conference, to be held in Madison, Wisconsin, June 3–8, 1920:

Mrs. Charles Notman, Brooklyn.
Miss Theresa O'Donohue, New York City.
Mrs. Nathan Bijur, New York City.

National Conference on Backward, Truant, Deliquent and Dependent Children

June 3. Delegates to the National Conference on Backward, Truant, Delinquent and Dependent Children and the American Association of Officials of Public Charities and Correction, to be held in Chicago, Illinois, June 21–24, 1920:

Bird S. Coler, New York City.
Robert W. Hill, Albany.
Charles F. Rattigan, Albany.
John Klein, Hawthorne.
Horace F. Hunt, Buffalo.
Clarence S. McBurney, Rochester.
Edmund B. Hilliard, Canaan.

Mrs. Hanna L. Gray, Brooklyn.
Miss H. Ida Curry, New York City.
Miss Anna G. Rosbrook, Rome.
John S. Kennedy, New York City.
Hobart H. Todd, Industry.
Dr. Hortense V. Bruce, Hudson.
Brother Paulian, New York City.
James A. Hamilton, New York City.
Leon Dexter, Syracuse.
Mrs. Flora P. Daniels, Albion.
Mrs. Ella D. Magill, Schenectady.
Miss Esther Denton, Elmira.

Federal, State and Local Taxation.

August 12. Delegates to the Thirteenth Annual Conference on Federal, State and Local Taxation to be held under the auspices of the National Tax Association, in Salt Lake City, Utah, September 6–11, 1920:

Henry G. Opdycke, New York City.
Ogden L. Mills, New York City.
Michael J. Walsh, Albany.
John J. Merrill, Albany.
James D. Smith, Albany.
Walter H. Knapp, Canandaigua.
Frederick M. Davenport, Clinton.
Charles J. Tobin, Albany.
Peter A. Abeles, Bronx, New York City.
John J. Boylan, New York City.
James K. O'Connor, Utica.
Lewis K. Rockefeller, Albany.
William E. Sill, Albany.
Preston B. Wittmer, Albany.
Franklin W. Judson, Gates.
Joseph A. McGinnies, Ripley.
Edward J. Flynn, New York City.
Frederick H. Waldorf, New Rochelle.
Daniel R. Spratt, Albany.
Frederick D. Bidwell, Albany.
Kingman Nott Robins, Rochester.
Stewart F. Hancock, Syracuse.
John C. Davies, Camden.
Luther H. Gulick, New York City.
Walter N. Seligsberg, New York City.
D. C. Burke, Oneida.
Wesley H. Maider, Gloversville.
Laurence Arnold Tanzer, New York City.
Henry M. Powell, New York City.
J. F. Zoller, Schenectady.
Francis N. Whitney, New York City.
Henry G. Fritsche, New York City.
Mark Graves, Albany.

Charles W. Gerstenberg, New York City.
Charles E. Van Auken, New Rochelle.
John J. Sinnott, Tarrytown.
Frederick B. Close, Tuckahoe.
Mark P. Brennan, Yonkers.
Harry C. Adams, Yonkers.
John F. Healy, New Rochelle.
Joseph P. Broderick, Buffalo.
William P. Capes, Albany.
Gerald G. Casey, Utica.
George M. Sutton, New Rochelle.
Leland Wood, Rome.
William J. Burke, Buffalo.
G. S. Aylesworth, Binghamton.
Julius A. Roberts, Elizabethtown.
Henry DeWitt, Kingston.
George B. Elwell, Wellsville.
Cuthbert E. Reeves, Buffalo.
B. S. Orcutt, New York City.
Albert Handy, New York City.
W. W. Grant, Geneva.
W. Fred Silleck, Brooklyn.
S. A. Shantz, East Rochester.
D. C. Sperry, Boonville.
Edwin R. A. Seligman, New York City.
Hugh Satterlee, New York City.
George E. Cleary, New York City.
Paul Armitage, New York City.
Professor Robert M. Haig, New York City.
George E. Holmes, New York City.
Charles D. Donohue, New York City.
George M. Dallas, New York City.
Joseph Schapiro, New York City.
E. J. Moriarity, New York City.
A. E. James, New York City.
Edward W. Beattie, New York City.
Alfred E. Holcomb, New York City.

Atlantic Deeper Waterway Association.

August 27 Delegates to the Thirteenth Annual Convention of the Atlantic Deeper Waterways Association, to be held in Atlantic City, N. J., October 5–8, 1920:

George Foster Peabody, Saratoga Springs.
Edward S. Walsh, Albany.
Eugene Moran, New York City.
Henry C. Hunter, New York City.
Murrav Hulbert, New York City.
Cornelius F. Burns, Troy.
William H. Weeks, New York City.
William H. Todd, New York City.
Lewis Nixon, New York City.

George D. Pratt, Albany.
Henry W. Hill, Buffalo.
William E. Woollard, Albany.
George Clinton, Buffalo.
Charles N. Chadwick, New York City.
John J. Amory, Morris Heights, New York City.
Theodore S. Trimmer, Mt. Vernon.
Thomas McAvoy, New York City.
Henry Bruckner, Bronx, New York City.
Louis D. Gibbs, New York City.
James L. Wells, Albany.
Cyrus C. Miller, New York City.
Joseph M. Callahan, New York City.
James V. Canly, New York City.
Richard F. McKiniry, New York City.
Anthony J. Griffin, New York City.
John Kadel, New York City.
Frederick A. Wurzbach, New York City.
Louis H. Werner, New York City.
Eugene H. Rosenquest, New York City.
Martin Walter, New York City.
Olin J. Stephens, New York City.
George J. Murray, New York City.
Robert J. Moorehead, New York City.
Joseph A. Pierce, New York City.
Borden B. Harris, New York City.
Adolph G. Hupfel, Jr., New York City.
Harry B. Chambers, New York City.
L. D. Perry, New York City.
James R. Pollock, New York City.
James Brackenridge, New York City.
Albert Goldman, New York City.
John A. Steinmetz, New York City.
Alexander Haring, New York City.
David J. Conroy, New York City.
T. A. Convery, New York City.
Patrick Goodman, New York City.
L. C. Gemeiner, New York City.
William F. Olpp, New York City.
Michael B. McHugh, New York City.
Clarence S. Shumway, New York City.
Charles E. Reid, New York City.
Peter G. Ten Eyck, Albany.
Edward R. Kock, New York City.

International Congress Against Alcoholism

September 8. Delegates to the Fifteenth International Congress against Alcoholism, to be held in Washington, D. C., September 21–26, 1920:

Miss Martha Van Rensselaer, Ithaca.
Miss Helen G. H. Estelle, Poughkeepsie.

Mrs. D. Leigh Colvin, New York City.
Miss Frances Perkins, New York City.
John H. Finley, Albany.
Dr. Charles W. Pilgrim, Albany.
Dr. Matthias Nicoll, Albany.
Dr. Pearce Bailey, Katonah.
Dr. Stephen P. Jewett, New York City.

Water Power League of America

September 8. Delegate to the National Convention of the Water Power League of America, to be held in Washington, D. C., October 7-8, 1920:

George E. Van Kennen, Ogdensburg.

Semi-Centennial Prison Congress

September 20. Delegates to the Semi-Centennial Prison Congress, to be held in Columbus, Ohio, October 14–19, 1920:

E. S. Jennings, Auburn.
Harry M. Kaiser, Dannemora.
William Hunt, Comstock.
Mrs. Margaret E. Dady, Auburn.
Dr. R. F. C. Kieb, Beacon.
Dr. John E. Ross, Dannemora.
Thomas M. Osborne, Auburn.
Mrs. Katherine G. Hildreth, Syracuse.
Elbert H. Gary, New York City.
Dr. Frank L. Heacox, Auburn.
Dr. J. B. Ransom, Dannemora.
Dr. Harley Heath, Comstock.
Dr. Amos O. Squire, Ossining.
John S. Kennedy, New York City.
Leon C. Weinstock, New York City.
John F. Tremain, Albany.
Mrs. Sarah L. Davenport, Bath.
Henry Solomon, New York City.
Mial H. Pierce, Gouverneur.
Charles S. Rogers, Hudson.
Mrs. Cecelia D. Patton, Saratoga Springs.
Adolph Lewisohn, New York City.
Mrs. Helen H. Jenkins, New York City.
Adelbert Moot, Buffalo.
Herbert S. Carpenter, New York City.
Alexander M. Hadden, New York City.
J. J. Mulholland, New York City.
E. Kaufmann, New York City.
Charles H. Johnson, Albany.
B. Ogden Chisholm, New York City.
Dr. S. F. Lewis, New York City.
Mrs. May T. Christian, Elmira.
Mrs. Adelaide Briggs, Buffalo.

Mrs. Fannie A. Whitney, Rochester.
Mrs. Adelbert Moot, Buffalo.
Mrs. Frank L. Christian, Elmira.
Mrs. Mortimer Menken, New York City.
Miss Mary Vida Clark, New York City.
Evangeline Booth, New York City.
James A. Hamilton, New York City.
Dr. Frank L. Christian, Elmira.
Lewis E. Lawes, Ossining.
Charles F. Rattigan, Albany.
James L. Long, Albany.
Rev. William E. Cashin, Ossining.
Rev. Arthur Copeland, Auburn.
Rev. Francis H. Pierce, Dannemora.
Rev. Alfred Hervieux, Dannemora.
Rev. Richard Abbott, Comstock.
John H. Finlev, Albany.
Edmond J. Butler, New York City.
Alphonso T. Clearwater, Kingston.
Henry Marquand, Bedford Hills.
Edward C. Blum, Brooklyn.
Mrs. Mary E. Padden, New York City.
Maud E. Booth, New York City.
Margaret Bovill, New York City.
Edward J. Parker, New York City.
Thomas Cowan, New York City.
Stanley Sheppard, New York City.
Richard E. Holz, New York City.
Lewis F. Pilcher, Albany.

American Child Hygiene Association

September 28. Delegates to the Eleventh Annual Meeting of the American Child Hygiene Association, to be held in St. Louis, Missouri, October 11–13, 1920:

Dr. Henry L. K. Shaw, Albany.
Dr. Philip Van Ingen, New York City.
Dr. S. Josephine Baker, New York City.

Farm Women's National Congress

October 4. Delegates to the Tenth Annual Session of the Farm Women's National Congress, to be held in Salt Lake City, Utah, October 18–20, 1920:

Mrs. G. W. Yawger, Auburn.
Mrs. A. E. Brigden, Rochester.
Mrs. Florence E. S. Knapp, Syracuse.
Miss Martha Van Rensselaer, Ithaca.
Dr. Lois Gannet, Adams.
Mrs. Lewis Seymour, Binghamton.
Mrs. Della T. Lutes, Cooperstown.
Miss Hilda Ward, Roslyn.
Mrs. Kathryn R. Pierrepont, Brooklyn.

Farmer's National Congress

October 25. Delegates to the Farmer's National Congress, to be held in Columbus, Ohio, November 16–19, 1920:

John A. Barclay, Argyle.
Elizabeth Dodds, Cambridge.
Fred H. Allen, Fort Ann.
G. E. Parker, Granville.
Katherine Gill, Greenwich.
Dorothy E. Arnold, Hartford.
George W. Boyce, Salamanca.
Thomas J. Brislane, Ellicottville.
George C. Rasey, Randolph.
Mrs. Alice Griffith, Salamanca.
Mrs. Winifred M. Pierce, East Otto.
Mrs. Phoebe House, Yorkshire.
Mrs. George H. Hyde, Cortland.
Mrs. J. W. Babcock, Cuyler.
Mrs. F. L. Burnham, Little York.
Miles J. Peck, Marathon.
N. F. Webb, Cortland.
W. L. Bean, McGraw.
Henry Burden, Cazenovia.
John J. Taylor, Hamilton.
Eugene Petrie, Canastota.
Mrs. Kirk Livermore, Bouckville.
Mrs. Kenneth Harsh, Canastota.
Mrs. D. M. Bettinger, Chittenango.
Charles Carney, Watkins.
George Rappalee, Watkins.
Curren Jackson, Montour Falls.
Mrs. Robert Disbrow, Tyrone.
Mrs. Herbert Hazelette, Hoctor.
Mrs. Thomas Waugh, Beaver Dam.
Miss Grace E. Cornell, Glenville Center.
Justice Reuben Heckeler, East Glenville.
Mrs. Emma DeGraff, Pattersonville.
George Bradt, South Schenectady.
Thomas Craig, Duanesburg.
Jacob Fuez, Schenectady.
Mrs. William Donnolley, Pleasantville.
Mrs. Caroline O'Day, Rye.
Mrs. Ella M. Brady, Golden's Bridge.
William Belknap, Osawana-on-Hudson.
Job G. Sherman, New Rochelle.
Charles H. Baker, Lake Mohegan.

National Rivers and Harbors Congress

November 29. Delegates to the Sixteenth Convention of the National River and Harbors Congress to be held in Washington, D. C., December 8–10, 1920:

A. B. Blanchard, New York City.
Arnold B. McStay, New York City.

Henry Bruckner, New York City.
William J. Flynn, New York City.
Richard F. McKiniry, New York City.
James V. Ganly, New York City.
Anthony J. Griffin, New York City.
James Brackenridge, New York City.
James R. Pollock, New York City.
Albert Goldman, New York City.
George J. Murray, New York City.
R. C. Bauer, New York City.
Alexander Haring, New York City.
Olin J. Stephens, New York City.
William E. Thompson, New York City.
Joseph A. Pierce, New York City.
John A. Stienmetz, New York City.
Borden B. Harris, New York City.
William F. Olpp, New York City.
David J. Conroy, New York City.
Michael B. McHugh, New York City.
L. D. Perry, New York City.
L. C. Gemeiner, New York City.
Thomas E. Mitchell, New York City.
Frederick A. Wurzbach, New York City.
Robert J. Moorehead, New York City.
Harry Kolbe, Mt. Vernon.
Dr. James C. Gleason, New York City.
Charles E. Reid, New York City.
George Clinton, Buffalo.
Henry C. Allen, Syracuse.
Miles Ayrault, Tonawanda.
James A. Beattie Troy.
Frank Brainard, Jersey City, N. J.
Celestine C. Burns, Watertown.
Cornelius F. Burns, Troy.
Palmer Canfield, Kingston.
John R. Clancy, Syracuse.
George Clinton, Jr., Buffalo.
Frederick Coykendall, Rondout.
A. Edwin Crockett, Rochester.
Maurice E. Connolly, Brooklyn.
Patrick W. Cullinan, Oswego.
Edward T. Cushing, New York City.
James Sherlock Davis, Brooklyn.
George A. DeForest, Utica.
James P. B. Duffey, Rochester.
John G. Duffy, Utica.
Edwin A. Fisher, Rochester.
Lewis W. Francis, New York City.
Frank S. Gardner, New York City.
L. B. Greene, Patchogue.
Charles T. Gwynne, New York City.

John T. Hartigan, Troy.
W. Gerald Hawes, New York City.
James T. Hoile, Brooklyn.
Clarence E. Holden, Whitehall.
James T. Hutchings, Rochester.
Louis Jaeger, Greenport.
Peter D. Kiernan, Albany.
Nelson B. Kilmer, Brooklyn.
Olin H. Landreth, New York City.
Charles F. McLean, New York City.
George E. McCoy, Peekskill.
Robert J. McFarland, Brooklyn.
Edward N. McKinney, Albany.
S. Christy Mead, New York City.
Edward F. Murray, Troy.
Fred E. Norton, Syracuse.
Welding Ring, New York City.
Albert F. Roche, Troy.
Robert H. Rogers, Schenectady.
Otto B. Schmidt, Buffalo.
R. A. C. Smith, New York City.
Frederick B. Shepherd, Oswego.
Thomas Spratt, Ogdensburg.
E. Platt Stratton, Garden City.
Peter G. Ten Eyck, Albany.
Willis H. Tennant, Buffalo.
Dell L. Tuttle, Buffalo.
Willard B. Van Allen, Carthage.
Addison Wheeler, Brooklyn.
George Wilson, Brooklyn
Frank E. Williamson, Buffalo.
Walter C. Witherbee, Port Henry.
Edward S. Walsh, Albany.
James E. Doyle, Albany.
Murray Hulbert, New York City.
William G. Morrissey, Brooklyn.
Frederick W. Kavanaugh, Waterford.
James W. Pacey, Nyack.
John W. Dalley, Nyack.
Alexander Stolz, Yonkers.
Albert R. Beal, Newburgh.
W. H. Frank, Poughkeepsie.
William F. Hoehn, Peekskill.

National Conference on Housing in America

December 7. Delegates to the Eighth National Conference on Housing in America, to be held in Bridgeport, Connecticut, December 9–11, 1920:

Edward F. Boyle, New York City.
Abraham Kaplan, New York City.

VII

DESIGNATIONS TO APPELLATE DIVISION AND REQUIREMENTS UPON THE ATTORNEY-GENERAL

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VII

DESIGNATIONS TO APPELLATE DIVISION AND REQUIREMENTS UPON THE ATTORNEY-GENERAL

Designation of Justice Isaac N. Mills as Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK — EXECUTIVE CHAMBER

In accordance with section 2 of article 6 of the Constitution and the statute in such case made and provided, the Honorable ISAAC N. MILLS, of Mount Vernon, who is a Justice of the Supreme Court in the Ninth Judicial District, is hereby redesignated as an Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department for a term beginning on the fourth day of May, nineteen hundred and twenty, and ending with his term of office as a Justice of the Supreme Court on the thirty-first day of December, nineteen hundred and twenty.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this sixteenth day of
[L. S.] March in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

GEORGE R. VAN NAMEE,
Secretary to the Governor.

Designation of Justice Samuel Greenbaum as Associate Justice of the Appellate Division of the Supreme Court for the First Department

STATE OF NEW YORK — EXECUTIVE CHAMBER

In accordance with section two of article six of the Constitution and the statute in such case made and provided, the Honorable SAMUEL GREENBAUM, of New York City, who is a Justice of the Supreme Court of the First Judicial District, is hereby designated as an Associate Justice of the Appellate Division of the Supreme Court in and for the First Judicial Department, for a term beginning on the thirtieth day of March, nineteen hundred and twenty, and ending with his term of office as a Justice of the Supreme

Court on the thirty-first day of December, nineteen hundred and twenty-four.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-second day of [L. S.] March in the year of our Lord one thousand nine hundred and twenty.

(Signed) AIFRED E. SMITH.

By the Governor:
GEORGE R. VAN NAMEE,
Secretary to the Governor.

Designating the Attorney General to Represent the People at the Extraordinary Term of the Supreme Court Being Held in New York County and to Appear Before the Grand Jury for the Purpose of Conducting Investigation of Charges Against Certain Members of the District Attorney's Staff, New York County

STATE OF NEW YORK — EXECUTIVE CHAMBER

To the Honorable CHARLES D. NEWTON, *Attorney-General of the State of New York:*

SIR.— Pursuant to the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of this State, attend in person, or by one of your deputies, an Extraordinary Term of the Supreme Court appointed to be held in and for the County of New York on the eleventh day of August, 1919, and that you, in person or by said deputy, appear before the grand jury drawn for said term of said court, for the purpose of managing and conducting in said Court and before said grand jury any and all proceedings, examinations and inquiries, and any and all criminal actions and proceedings which may be had or taken by or before said grand jury, concerning or relating to

1. John T. Dooling, a member of the staff of Edward Swann, District Attorney of New York County, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said John T. Dooling in violation of subdivision 2 and subdivision 6 of section 580 of the Penal Law of the State of New York, and sections 376 and 1846 of the Penal Law of the State of New York, in connection with the indictment, or the procuring of the indictment, or the attempting to procure the indictment of one Gaston B. Means.

2. James E. Smith, a member of the staff of Edward Swann, District Attorney of New York County, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said James E. Smith in violation of sections 372, 1841 and 1857 of the Penal Law of the State of New York, in respect to the investigation and presentation of complaints and charges against gambling and disorderly houses in the City and County of New York.

3. Edwin P. Kilroe, a member of the staff of Edward Swann, District Attorney of New York County, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said Edwin P. Kilroe, in violation of sections 1841 and 1857 of the Penal Law of the State of New York in the presentation and prosecution of charges of larceny made by Thomas B. Donaldson, Insurance Commissioner of the State of Pennsylvania, against George F. Montgomery.

And to further manage and conduct the prosecution and trial at this Extraordinary Term, or at any term at which they may be hereafter tried, of any and all indictments that may be found upon any of the violations of law hereinbefore mentioned, and that, in person or by your deputy, in place and stead of the District Attorney of New York County, you exercise all the powers and perform all the duties conferred upon you by said section 62 of the Executive Law and this requirement thereunder.

GIVEN under my hand and the Privy Seal of the State of New York at the Capitol in the City of Albany, this [L. S.] nineteenth day of February, in the year of our Lord one thousand nine hundred and twenty.

(Signed.) ALFRED E. SMITH.

By the Governor:

GEORGE R. VAN NAMEE,
Secretary to the Governor.

Letter to Edward Swann, District Attorney of New York County, Notifying Him of the Issuance of the Order Designating the Attorney General to Supersede Him

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 19, 1920.

Honorable EDWARD SWANN, *District Attorney, New York County, Criminal Courts Building, New York City:*

MY DEAR JUDGE SWANN.— I received a communication under date of February 17, 1920, from Mr. Raymond F. Almirall, Foreman of the Extraordinary Grand Jury, now in session in your county, making specific charges against three members of your staff, as follows:

1. John T. Dooling, charged in connection with Alexander R. Reichman with a conspiracy to falsely and maliciously indict one Gaston B. Means for the crime of murder and to procure said Means to be complained of and arrested for such crime in violation of section 580, subdivision 2, of the Penal Law, and with violations of subdivision 6 of section 580 and sections 1846 and 376 of the Penal Law.

2. James E. Smith, charged with various violations of section 372 of the Penal Law, and with neglect of duty in violation of section 1841 and 1857 of the Penal Law, in respect of the investigation and presentation of gambling and disorderly houses.

3. Edwin P. Kilroe, charged with neglect and omission of duty in violation of sections 1841 and 1857 of the Penal Law in failing to present and prosecute charges of larceny made by Thomas B. Donaldson, Insurance Commissioner of the State of Pennsylvania, against George F. Montgomery.

I have this day, by an order issued in pursuance of the provisions of section 62 of the Executive Law, directed the Attorney-General of the State of New York, either in person or by one of his deputies, to appear before the Extraordinary Term of the Supreme Court and the grand jury sitting with it, to conduct all investigations, prosecutions and examinations rising through or from any such acts upon the part of the members of your staff above mentioned.

This order has the effect, as you are well aware, of superseding you in the above-mentioned transactions.

I am enclosing you herewith a copy of the order issued to the Attorney General.

Very truly yours,
(Signed) ALFRED E. SMITH.

Additional Order, Broadening the Powers of the Attorney-General in Connection With the Investigation of the Office of the District Attorney of New York County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Honorable CHARLES D. NEWTON, *Attorney-General of the State of New York:*

SIR.— Purusant to the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of the State of New York, attend in person, or by one of your deputies, an Extraordinary Term of the Supreme Court appointed to be held in and for the county of New York on the eleventh day of August, 1919, and that you, in person or by said deputy appear before the grand jury drawn for said term of court, for the purpose of managing and conducting in said court and before said grand jury any and all proceedings, examinations and inquiries, and any and all criminal actions and proceedings which may be had or taken before said grand jury, concerning or relating to delinquencies and irregularities tending to show wilful and corrupt misconduct in the administration of the office of district attorney of the county of New York, and to further manage and conduct the prosecution and trial at this extraordinary term or at any term at which they may be hereafter tried, of any and all indictments that may be found upon any of the violations of law hereinbefore mentioned, and that in person or by your deputy, in place and stead of the district attorney of New York county, you exercise the powers and perform all the duties conferred upon you by said section 62 of the Executive Law and this requirement thereunder.

GIVEN under my hand and the Privy Seal of the State at the
[L. S.] Capitol in the City of Albany this nineteenth day of April in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

Letter to District Attorney Edward Swann

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 19, 1920.

Honorable EDWARD SWANN, *District Attorney, New York County, New York City:*

MY DEAR JUDGE SWANN.— Pursuant to a request made by Honorable Charles D. Newton, Attorney-General of the State of New York, copy of which I am sending you herewith, I have this day made an additional order under section 62 of the Executive Law, broadening the powers of the Attorney-General in connection with the investigation now being conducted by the extraordinary grand jury.

Copy of the superseding order is also enclosed herewith.

Yours very truly,

(Signed) ALFRED E. SMITH.

Letter from Attorney-General Charles D. Newton

March 31, 1920.

Hon. ALFRED E. SMITH, *Governor of the State of New York, Executive Chamber, Albany, N. Y.:*

My Dear Sir.— I am in receipt of a communication from the Extraordinary Grand Jury, a copy of which I herewith enclose for your information.

I certify that according to reports made to me by Colonel William Rand, my deputy, pursuant to your requisition of February 17, 1920, statement by the Grand Jury that information has come to them of grave delinquencies and irregularities, tending to show willful and corrupt misconduct in the office of the District Attorney of the County of New York is correct and that in my judgment the request of the Grand Jury for legal advice and assistance, independent of the District Attorney of the County of New York, is reasonable and proper and should in the public interest be granted.

I have, therefore, to request that you make another and additional requisition upon me, pursuant to section 62 of the Executive Law, to cover the matters referred to in the communication from the Grand Jury.

I should be glad to discuss this matter with you personally, if you care to talk with me about it.

Yours very truly,

(Signed) CHARLES D. NEWTON,
Attorney-General.

Letter from Raymond F. Almirall, Foreman of the Extraordinary Grand Jury to the Attorney-General

SUPREME COURT, COUNTY OF NEW YORK — EXTRAORDINARY TRIAL TERM

Hon. CHARLES D. NEWTON, *Attorney General of the State of New York, Albany, N. Y.:*

SIR.— In the course of the investigation by the Grand Jury of the charges referred to in the requisition of the Governor of February 17, 1920, information has come to them of grave delinquencies and irregularities, tending to show willful and corrupt misconduct in the office of the District Attorney of the County of New York.

The Grand Jury proposes, pursuant to section 260 of the Code of Criminal Procedure, to inquire into the matter of these alleged delinquencies and irregularities, and requires counsel to aid and advise it in that inquiry.

Your deputy, assigned to the Grand Jury by you on March 12, 1920, has expressed doubts as to their right to require and as to his right to give his advice and assistance in the matter, under the limitations of his present appointment and designation.

Since it is manifest that in such an inquiry the District Attorney of the County of New York is not an appropriate adviser to the Grand Jury, that body requests advice and assistance in its inquiry from you as the Attorney General of the State.

Respectfully,

(Signed) RAYMOND F. ALMIRALL,
Foreman.

Dated, New York, March 30, 1920.

Designating the Attorney General to Represent the People at a Term of the Supreme Court being held in New York County for the Trial of an Indictment Against Dominick Henry, Charging Perjury.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 29, 1920.

To the Honorable CHARLES D. NEWTON, *Attorney-General, State of New York, Albany, N. Y.:*

SIR.— At the request of Edward Swann, district attorney of New York county, and in pursuance of the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of the State of New York, attend in person, or by one of your deputies, a term of the Supreme Court, appointed and now being held in the county of New York, and at such later term or terms of said court as shall be appointed or fixed hereafter, and to be held in and for the county of New York, for the purpose of managing, conducting and trying in said court, an indictment found by the extraordinary grand jury of the county of New York on May 25, 1920, against Dominick Henry, charging perjury; and any appeal arising out of said trial, and that in person or by your deputy, so attending in the place and stead of the district attorney of New York county, you exercise all of the powers, and perform all the duties conferred upon you by said section 62, and by this requirement made thereunder; and that in such proceeding and action, the district attorney of New York county shall only exercise such powers and perform such duties as are required of him by you or the deputy attorney-general so attending.

(Signed) ALFRED E. SMITH,
Governor of the State of New York.

Designating the Attorney General to Represent the People at an Extraordinary Trial Term of the Supreme Court to be Held in the County of Saratoga July 13th, and to Appear Before the Grand Jury for the Purpose of Managing and Conducting Criminal Actions and Proceedings Concerning Violations of the Law Against Gambling

STATE OF NEW YORK — EXECUTIVE CHAMBER

To Honorable CHARLES D. NEWTON, *Attorney-General of the State of New York:*

SIR.— Pursuant to the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of the State of New York, attend, in person or by one of your deputies, an Extraordinary Trial Term of the Supreme Court appointed to be held in and for the county of Saratoga, at the court house in the village of Ballston Spa, on the thirteenth day of July, 1920; and that you, in person or by said deputy, appear before the grand jury drawn for said term of court, for the purpose of managing and conducting in said court and before said grand jury any and all proceedings, examinations and inquiries, and any and all criminal actions and proceedings which may be had or taken before said grand jury concerning or relating to any violations of the law of the State of New York against gambling; conducting, maintaining or operating gambling houses; conducting, maintaining or operating gambling rooms; conducting, maintaining or operating any places, enclosures, buildings, sheds or other places in said county for the purpose of gambling, conducting, maintaining or operating any gambling games, or being interested in or engaged in conducting, maintaining or operating any gambling games, or any rooms, buildings, sheds or other enclosures for gambling purposes; and any other violations or alleged violations of the laws of the State of New York in reference to gambling, in the county of Saratoga; and any and all examinations, proceedings and inquiries in reference to the conducting of disorderly houses in the county of Saratoga in violation of the laws of the State of New York; and any and all proceedings, examinations and inquiries in regard to any misconduct or malfeasance in office, or any delinquencies or irregularities tending to show wilful and corrupt misconduct in the administration of any of the public officers of the county of Saratoga or of the city of Saratoga Springs, and any and all public officers of said county or city, or of any of the officers of the towns in the county of Saratoga; and any and all proceedings, examinations and inquiries concerning bribery of any public officers of said county of Saratoga, of said city of Saratoga Springs, or of any town officers of any of the towns in the county of Saratoga; and to further manage and conduct the prosecution and trial at this extraordinary term, or at any term at which they may be hereafter tried, of any and all indictments that may be found upon any of the violations of the law hereinbefore mentioned; and further, that you, in person or by one of your deputies, con-

duct the trial of two certain indictments now pending in said county, one against one Jules Formel, indicted as a common gambler, and one against one George Remo, indicted as a common gambler, which said indictments are now pending in the said county of Saratoga.

And that, in person or by your deputy, in place and stead of the district attorney of Saratoga county, you exercise the powers and perform all the duties conferred upon you by said section 62 of the Executive Law and this requirement thereunder.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirtieth day of June
[L. S.] in the year of our Lord one thousand nine hundred and twenty.

(Signed) HARRY C. WALKER.

By the Lieutenant-Governor and Acting Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Designating the Attorney General to Represent the People at an Extraordinary Trial Term of the Supreme Court to be Held in the County of Saratoga August 9th, and to Appear Before the Grand Jury for the Purpose of Managing and Conducting Criminal Actions and Proceedings Concerning Volations of the Law Against Gambling

STATE OF NEW YORK — EXECUTIVE CHAMBER

To Honorable CHARLES D. NEWTON, *Attorney-General of the State of New York:*

SIR.— Pursuant to the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of the State of New York, attend, in person or by one of your deputies, an Extraordinary Trial Term of the Supreme Court appointed to be held in and for the county of Saratoga, at the court house in the village of Ballston Spa, on the ninth day of August, 1920, at 12 o'clock noon on that day; and that you, in person or by said deputy, appear before the grand jury drawn for said term of court, for the purpose of managing and conducting in said court and before said grand jury any and all proceedings, examinations and inquiries, and any and all criminal actions and proceedings which may be had or taken before said grand jury concerning or relating to any violations of the laws of the State of New York against gambling; conducting, maintaining or operating gambling houses; conducting, maintaining or operating gambling rooms; conducting, maintaining or operating any places, enclosures, buildings, sheds or other places in said county for the purpose of gambling; conducting, maintaining or operating any gambling games, or being interested in or engaged in conducting, maintaining or operating any gambling games, or any rooms, buildings, sheds or other enclosures for gambling purposes; and

any other violations or alleged violations of the laws of the State of New York in reference to gambling, in the county of Saratoga; and any and all examinations, proceedings and inquiries in reference to the conducting of disorderly houses in the county of Saratoga in violation of the laws of the State of New York; and any and all proceedings, examinations and inquiries in regard to any misconduct or malfeasance in office, or any delinquencies or irregularities tending to show wilful and corrupt misconduct in the administration of any of the public officers of the county of Saratoga or of the city of Saratoga Springs, and any and all public officers of said county or city, or of any of the officers of the towns in the county of Saratoga; and any and all proceedings, examinations and inquiries concerning bribery of any public officers of said county of Saratoga, or of said city of Saratoga Springs, or of any town officers of any of the towns in the county of Saratoga; and to further manage and conduct the prosecution and trial at this extraordinary term, or at any term at which they may be hereafter tried, of any and all indictments that may be found upon any of the violations of the law hereinbefore mentioned.

And that, in person or by your deputy, in place and stead of the district attorney of Saratoga county, you exercise the powers and perform all the duties conferred upon you by said section 62 of the Executive Law and this requirement thereunder.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this tenth day of July in [L. S.] the year of our Lord one thousand nine hundred and twenty.

(Signed) HARRY C. WALKER.

By the Lieutenant-Governor and Acting Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Continuation of the Order of June 30th designating the Attorney General to Manage and Conduct Criminal Actions and Proceedings Concerning Violations of the Law Against Gambling in Saratoga County

STATE OF NEW YORK — EXECUTIVE CHAMBER

To Honorable CHARLES D. NEWTON, *Attorney-General of the State of New York:*

SIR.— Pursuant to the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of the State of New York, attend, in person or by one of your deputies, an Extraordinary Trial Term of the Supreme Court appointed to be held in and for the county of Saratoga, at the court house in the village of Ballston Spa and now being held in such county; and that you, in person or by said deputy, appear before the grand jury drawn for

said term of court, for the purpose of managing and conducting in said court and before said grand jury any and all proceedings, examinations and inquiries, and any and all criminal actions and proceedings which may be had or taken before said grand jury concerning or relating to any violations of the law of the State of New York against gambling; conducting, maintaining or operating gambling houses; conducting, maintaining or operating gambling rooms; conducting, maintaining or operating any places, enclosures, buildings, sheds or other places in said county for the purpose of gambling; conducting, maintaining or operating any gambling games, or being interested in or engaged in conducting, maintaining or operating any gambling games, or any rooms, buildings, sheds or other enclosures for gambling purposes; and any other violations or alleged violations of the laws of the State of New York heretofore occurring, or occurring during the existence of said Extraordinary Trial Term, in reference to gambling, in the county of Saratoga; and any and all examinations, proceedings and inquiries heretofore occurring, or occurring during the existence of said Extraordinary Trial Term, in reference to the conducting of disorderly houses in the county of Saratoga in violation of the laws of the State of New York; and any and all proceedings heretofore occurring, or occurring during the existence of said Extraordinary Trial Term, and examinations and inquiries in regard to any misconduct or malfeasance in office, or any delinquencies or irregularities tending to show wilful and corrupt misconduct in the administration of any of the public officers of the county of Saratoga or of the city of Saratoga Springs, and any and all public officers of said county or city, or of any of the officers of the towns in the county of Saratoga; and any and all proceedings, heretofore occurring, or occurring during the existence of said Extraordinary Trial Term, and examinations and inquiries concerning bribery of any public officers of said county of Saratoga, of said city of Saratoga Springs, or of any town officers of any of the towns in the county of Saratoga; and to further manage and conduct the prosecution and trial at this existing continuation of the Extraordinary Trial Term of the Supreme Court now existing in the county of Saratoga, or at any term at which they may be hereafter tried, of any and all indictments heretofore found by said extraordinary grand jury or that may hereafter be found upon any of the violations of the law hereinbefore mentioned; and further, that you, in person or by one of your deputies, conduct the trial of two certain indictments now pending in said county, one against one Jules Formel, indicted as a common gambler, and one against one George Remo, indicted as a common gambler, which said indictments are now pending in the said county of Saratoga.

[This order is a continuation of the order heretofore issued by me under date of June thirtieth, nineteen hundred and twenty.

And that, in person or by your deputy, in place and stead of the district attorney of Saratoga county, you exercise the powers and perform all the duties conferred upon you by said section 62 of the Executive Law and this requirement thereunder.

GIVEN under my hand and the Privy Seal of the State at the
[L. S.] Capitol in the City of Albany this thirtieth day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
J. F. CONNOR,
Secretary to the Governor.

Continuation of the Order of July 10th Designating the Attorney General to Manage and Conduct Criminal Actions and Proceedings Concerning Violations of the Law Against Gambling in Saratoga County

STATE OF NEW YORK — EXECUTIVE CHAMBER

To Honorable CHARLES D. NEWTON, *Attorney-General of the State of New York:*

SIR.— Pursuant to the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of the State of New York, attend, in person or by one of your deputies, an Extraordinary Trial Term of the Supreme Court appointed to be held in and for the county of Satatoga, at the Court House in the village of Ballston Spa, on the ninth day of August, 1920, at twelve o'clock noon on that day, and which court is still in session; and that you, in person or by said deputy, appear before the grand jury drawn for said term of court, for the purpose of managing and conducting in said court and before said grand jury any and all proceedings, examinations and inquiries, and any and all criminal actions and proceedings, which may be had or taken before said grand jury concerning or relating to any violation of the laws of the State of New York against gambling; conducting, maintaining or operating gambling houses; conducting, maintaining or operating gambling rooms, conducting, maintaining or operating any places, enclosures, buildings, sheds or other places in said county for the purpose of gambling; conducting, maintaining or operating any gambling games, or being interested in or engaged in conducting, maintaining or operating any gambling games, or any rooms, buildings, sheds or other enclosures for gambling purposes; and any other violations or alleged violations of the laws of the State of New York in reference to gambling, in the county of Saratoga; and any and all examinations, proceedings and inquiries in reference to the conducting of disorderly houses in the county of Saratoga in violation of the laws of the State of New York; and any and all proceedings, examinations and inquiries in regard to any misconduct or malfeasance in office, or any delinquencies or irregularities tending to show wilful and corrupt misconduct in the administration of any of the public officers of the county of Saratoga or of the city of Saratoga Springs, and any and all public officers of said county or city,

or of any of the officers of the towns in the county of Saratoga; and any and all proceedings, examinations and inquiries concerning bribery of any public officers of said county of Saratoga or of said city of Saratoga Springs, or of any town officers of any of the towns in the county of Saratoga; and to further manage and conduct the prosecution and trial at this Extraordinary Term or at any term at which they may be hereafter tried, of any and all indictments that may be found upon any of the violations of the law hereinbefore mentioned.

This order is a continuation of the order heretofore issued by me under date of July tenth, 1920.

And that, in person or by your deputy, in place and stead of the District Attorney of Saratoga county, you exercise the powers and perform all the duties conferred upon you by said section 62 of the Executive Law and this requirement thereunder.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this eleventh day of October in the year of our Lord one thousand nine hundred and twenty.

[L. S.]

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Designating the Attorney General to Represent the People at Regular Terms or Extraordinary Trial Terms of the Supreme Court in New York County and to Appear Before the Grand Jury for the Purpose of Managing and Conducting Criminal Actions Growing Out of the Investigation of the Joint Legislative Committee on Housing.

STATE OF NEW YORK — EXECUTIVE CHAMBER

To the Honorable CHARLES D. NEWTON, *Attorney-General of the State of New York:*

SIR.— Pursuant to the provisions of section 62 of the Executive Law I hereby require that you, the attorney-general of this State, attend in person or by one or more of your deputies or special deputies any regular term of the Supreme Court now being held or hereafter to be held in the county of New York, or any Extraordinary Trial Term of the Supreme Court, appointed this day or hereafter, to be held in the county of New York and that you either in person or by your deputy, deputies or special deputies act in the place and stead of the district attorney of New York county for the purpose of managing in said court or courts any and all criminal actions, trials, motions or proceedings relating to or growing out of or bearing upon any matter which may be brought to your notice in writing by any of the counsel or the Chairman of, the Joint Legislative Committee on Housing of which Senator Charles C. Lock-

wood is Chairman and which is acting by virtue of a joint resolution duly passed at the Extraordinary Session of the Legislature of the State of New York on September 24, 1920, or by the said Committee, and including any or all of the following crimes which may thus be brought to your notice: The crimes of extortion, blackmail, conspiracy to blackmail or to extort, violations of the Penal Law of the State of New York prohibiting unlawful agreements, combinations, understandings and conspiracies in restraint of trade; and unlawful agreements, combinations, understandings and conspiracies for the fixing of prices or the suppression of competition; criminal contempt, perjury, subornation of perjury and such other violations of the Penal Law of the State of New York as may in writing be called to your attention as attorney general by said Joint Legislative Committee on Housing or any of its counsel, or its chairman.

And you are futher required and directed either in person or by your deputy, deputies or special deputies to present to any grand jury which may hereafter be drawn for any Extraordinary Trial Term of the Supreme Court for the county of New York, including the Extraordinary Trial Term of the Supreme Court called for the 29th day of November, 1920, in the county of New York, any and all criminal charges against any and all persons with regard to all or any of the various matters above specified or growing out of any and all trials of any and all persons charged with any or all of the crimes mentioned and so called to your attention and for the purpose of managing and conducting before any of the said grand juries aforementioned any and all proceedings, examinations and inquiries and any and all criminal actions, trials and proceedings which may be had or taken by or before said grand juries concerning or relating to all or any of the crimes and charges aforementioned and so called to your attention.

And you are further required to manage and conduct the prosecution and trial, at any regular term of the Supreme Court or any Extraordinary Trial Term of the Supreme Court that may hereafter be called in and for the county of New York including the Extraordinary Trial Term of the Supreme Court called for the 29th day of November, 1920, in the county of New York, of any and all indictments that may be found upon any or all of the violations of law hereinbefore mentioned and so called to your attention and that in person or by your deputy, deputies or special deputies in place and stead of the district attorney of New York county you exercise all the powers and perform all the duties conferred upon you by said section 62 of the Executive Law and this requirement thereunder.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-seventh day
[L. S.] of October, in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Modification of Order of October 27th Designating the Attorney General to Supersede the District Attorney of New York County

STATE OF NEW YORK — EXECUTIVE CHAMBER

To the Honorable CHARLES D. NEWTON, *Attorney-General of the State of New York:*

SIR.— The provisions of my order of October 27, 1920, appointing and directing the attorney-general to manage and conduct certain actions and proceedings therein referred to in place and stead of the district attorney of the county of New York are hereby modified so that the powers and duties conferred upon the attorney-general by the terms of said order shall take effect and shall be exercised by the latter only as and from the date fixed by my said order for the convening of the Extraordinary Trial Term of the Supreme Court. Meanwhile the district attorney shall continue to exercise all the powers conferred upon him by statute as though my order of October 27, 1920, had not been made.

GIVEN under my hand and the Privy Seal of the State of New York at the Capitol in the City of Albany, this [L. S.] first day of November, in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Designating the Attorney General to Represent the People at a Term of the Supreme Court Being Held in the County of New York and to Try Certain Indictments Found by the Extraordinary Grand Jury.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, December 31, 1920.

To the Honorable CHARLES D. NEWTON, *Attorney General, State of New York, Albany, N. Y.:*

SIR.— At the request of Edward Swann, district attorney of New York county, and in pursuance of the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of the State of New York, attend in person, or by one of your deputies, a term of the Supreme Court, appointed and now being held in the county of New York, and at such later term or terms of said court as shall be appointed or fixed hereafter, and to be held in and for the county of New York, for the purpose of managing, conducting and trying in said court, the following indictments found by the Extraordinary Grand Jury of the county of New York against Jacob L. Goldman for perjury, Bernard Friedman for per-

jury and David Hirshfield for publishing a libel; and any appeals arising out of said trials, and that in person or by your deputy, so attending in the place and stead of the District Attorney of New York county, you exercise all the powers, and perform all the duties conferred upon you by said section 62, and by this requirement made thereunder; and that in such proceeding and action, the district attorney of New York county shall only exercise such powers and perform such duties as are required of him by you or the deputy attorney-general so attending.

(Signed) ALFRED E. SMITH,
Governor of the State of New York.

VIII

SPECIAL TERMS OF COURT

[475]

VIII

SPECIAL TERMS OF COURT

Extraordinary Trial Term of the Supreme Court, Saratoga County, for the Purpose of Investigating Violations of the Law Against Gambling

STATE OF NEW YORK — EXECUTIVE CHAMBER

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the statute in such case made and provided, I do hereby appoint.

AN EXTRAORDINARY TRIAL TERM OF THE SUPREME COURT to be held at the Court House in the Village of Ballston Spa, Saratoga County, N. Y., on Tuesday, July 13, 1920, at ten o'clock in the forenoon of that day, and to continue so long as may be necessary for the disposal of the business which may be brought before it; and I do hereby designate the Honorable CHARLES C. VAN KIRK, of Greenwich. N. Y., a Justice of the Supreme Court of the Fourth Judicial District, to hold the said Extraordinary Trial Term as hereinbefore described, and among other things to cause to be drawn according to law, a grand jury to serve at said Extraordinary Trial Term of the Supreme Court. And I do hereby direct that notice of such appointment be given by publication of this order on the third day of July, 1920, on the sixth day of July, 1920, and on the ninth day of July, 1920, in The Saratogian and the Saratoga Sun, daily newspapers published in the city of Saratoga Springs, in the county of Saratoga, N. Y.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany, this thirtieth day of
[L. S.] June, in the year of our Lord one thousand nine hundred and twenty.

(Signed) HARRY C. WALKER.

By the Lieutenant-Governor and Acting Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Extraordinary Trial Term of the Supreme Court, Saratoga County, for the Purpose of Investigating Violations of the Law Against Gambling

STATE OF NEW YORK — EXECUTIVE CHAMBER

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the statute in such case made and provided, I do hereby appoint

AN EXTRAORDINARY TRIAL TERM OF THE SUPREME COURT to be held at the Court House in the Village of Ballston, Spa, Saratoga County, N. Y., on Monday, August ninth, 1920, at twelve o'clock, noon, of that day, and to continue as long as may be necessary for the disposal of the business which may be brought before it; and I do hereby designate the Honorable CHARLES C. VAN KIRK, of Greenwich, N. Y., a Justice of the Supreme Court, of the Fourth Judical District, to hold the said Extraordinary Trial Term as hereinbefore described, and among other things to cause to be drawn, according to law, a grand jury to serve at said Extraordinary Trial Term of the Supreme Court. And I do hereby direct that notice of such appointment be given by publication of this order once a week for three successive weeks, in The Saratogian and in the Saratoga Sun, daily newspapers published in the City of Saratoga Springs, in the County of Saratoga, N. Y.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany, this tenth day of July, [L. S.] in the year of our Lord, one thousand nine hundred and twenty.

(Signed) HARRY C. WALKER.

By the Lieutenant-Governor and Acting Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Extraordinary Trial Term of the Supreme Court, New York County, for the Trial of Criminal Actions Growing Out of the Investigation by the Joint Legislative Housing Committee

STATE OF NEW YORK — EXECUTIVE CHAMBER

It appearing to my satisfaction that the public interest requires it: THEREFORE, in accordance with the statute in such case made and provided, I do hereby appoint an Extraordinary Trial Term of the Supreme Court, to be held at the Criminal Courts Building in the county of New York, on Monday, November 29, 1920, at ten o'clock in the forenoon of that day, for the purpose of acting on any or all indictments heretofore found and hereafter to be found, and all criminal actions, trials, motions or proceedings relating to or growing out of or bearing upon all or any of the crimes of extortion, or of blackmail, or of conspiracy to blackmail or extort, or bearing upon offenses against the Laws of the State prohibiting agreements, combinations, understandings and conspiracies in restraint of trade, or for fixing prices or for suppressing competition or growing out of the refusal of witnesses either to obey subpoenas to appear or to be sworn, or of the refusal of witnesses appearing before the now existing Joint Legislative Committee on Housing, which is acting under and by virtue of a Joint Resolution duly passed at the Extraordinary Session of the Legislature of the State of New York on September 24, 1920, to answer proper and material questions, or to produce proper and material books or

documents, or for perjury or for subornation of perjury committed before said Committee, or in connection with any testimony produced before it, and for such other business as may be brought before said term, and which term is to continue as long as may be necessary for the disposal of the business which may be brought before it, and I do hereby designate Honorable JOHN F. MCAVOY of the city of New York, Justice of the Supreme Court of the First Judical District, to hold said Extraordinary Trial Term of the Supreme Court as is hereinbefore described, and among other things to cause to be drawn, according to law, a grand jury to serve at said Extraordinary Trial Term of the Supreme Court, and I do hereby direct that notice of such appointment be given by publication of this order for two successive weeks, in the "New York Law Journal," "New York Times," "New York World," "New York Herald" and the "New York American," respectively, newspapers published in the city and county of New York, N. Y., said publications to appear in each of the said newspapers on the 5th day of November, 1920, and the 12th day of November, 1920.

GIVEN under my hand and the Privy Seal of the State at the Capitol, in the City of Albany, this twenty-seventh [L. S.] day of October, in the year of our Lord, one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Correspondence between the Governor and the Foreman of the Extraordinary Grand Jury of Term Called in 1919 in Relation to the Request for the Designation of the Attorney General to Supersede the District Attorney of New York County, for the Purpose of Conducting an Investigation of Charges Against Certain Members of the District Attorney's Staff

Note: Previous correspondence will be found in section IX of the public papers of 1919.

IN RE EXTRAORDINARY GRAND JURY

12 EAST 46TH STREET, NEW YORK,

January 14, 1920.

HON. ALFRED E. SMITH, *Governor of the State of New York, Albany, N. Y.:*

Your Excellency.— The receipt of your Excellency's letters dated December 26, 1919 and November 25, 1919 addressed to the grand jury and to me respectively, is hereby very respectfully acknowledged.

The grand jury fully appreciates the difficulties of the situation. In its letter to your Excellency of seven weeks ago, requesting the designation of the Attorney General, it sought for counsel entirely independent of the district attorney's office as a matter of principle. Even then, the grand jury was of the opinion that the appointment of a special assistant to the district

attorney would defeat this vital principle, for as Mr. Proskauer states in his letter of December 17, 1919 to the district attorney refusing the appointment, it was deemed essential that,

> "the public shall feel that there has been a complete, impartial and final determination of the suggestions of official improprieties that have been made" and again, "that all proceedings will be free from any possible interference from the office under investigation."

It is with much satisfaction that the grand jury notes from your last communication that you have finally come into accord with its prior conclusions in respect to the necessity of counsel being independent of the district attorney's office.

The grand jury cannot help but feel, however, that the alternative proposed by your Excellency — that the grand jury should at the present stage of the inquiry formulate charges against the district attorney, and that it should prefer such charges before your Excellency — is coupled with conditions which are neither legally a function or duty of the grand jury nor consistent with the public interests. Your Excellency's letters also permit, unintentionally but equally unfortunately, public misapprehension both as to the suggestion of Mr. Battle's name and as to the declination by Mr. Proskauer of the appointment as assistant district attorney; as well as in other matters.

Believing that it will clairfy and determine the situation, the grand jury presents herein a summary of its activities since August 11, 1919, when it was impanelled.

Each member of this grand jury was challenged by the district attorney for he people and accepted only after proof of a proper conception of the duties of good citizenship. While especially impanelled for the purpose of hearing cases of criminal anarchy, it was further directed by the Court to consider a charge of criminal conspiracy made by the district attorney against the distributors of milk in the city; and two charges of criminal conspiracy made by the mayor: one against the federal receiver and the president of the New York Railways Company of conspiracy to intimidate a public officer and the other against the officials of the Interborough Rapid Transit Company and the officials of the brotherhood of its employes of conspiracy to foment a strike. The consideration of these grave charges was imposed upon the grand jury at the urgent insistence of the District Attorney, himself, who confidently and openly assured the Court of his ability to secure indictments. The Hearst newspapers loudly heralded the sensation to come.

The grand jury heard such testimony as the district attorney offered on the following dates: in re. conspiracy of milk distributors on September 8, 9, 11, 12; December 19, 1919; and, in re. conspiracy of officials of the Interborough Rapid Transit Company and the brotherhood of its employes on August 20, 24; September 3, 15; November 5, 6, 7, 10, 12, 13, 17 1919; January 7, 12, 13 and 14, 1920. The various cases of criminal anarchy affecting a total of forty-eight individuals were presented on the following dates, August 11; September 29; November 18, 19, 21, 24, 25, 26; December 3, 4, 5, 8, 9, 16, 1919; January 6, 1920. From the presentation of the criminal anarchy cases forty-four indictments resulted, followed by convictions in the only two cases tried — the first convictions ever secured since the enactment of the law in 1902. In support of the charges of conspiracy in the milk and Interborough cases, the district attorney, during all the twenty days when witnesses were heard, signally failed to produce any convincing proof.

Developments in the course of grand jury work, created first a suspicion and then a reasonable belief in the probability of the existence of ulterior purposes, involving violation of the criminal statutes. This belief compelled the investigations of the municipal and district attorney's offices that it has initiated. Testimony in these matters was taken on the following dates, November 5; December 4, 5, 10, 12, 17, 1919; January 6, 7, 1920.

It seemed so palpably absurd to attempt to investigate the district attorney's office with the counsel of the district attorney that the grand jury has

perforce endeavored to proceed without counsel. Lack of proper counsel and an adequate staff of assistants, however, continues to prevent thorough inspections of the written submissions and the legal examination of witnesses; and as your Excellency knows there is also the constant risk of rendering void the findings of the grand jury by the inadvertent admission of invalidating evidence.

Let me now recall briefly the events which led up to your Excellency's suggestion of Messrs. Battle and Proskauer as counsel.

The pronouncement of the grand jury, dated October 10, 1919, provoked a chorus of unparalleled abuse of the grand jury, of its individual members, and of the grand jury system itself, by the district attorney, by certain municipal office holders, and by the Hearst newspapers.

When, complying with the request in my letter of October 15, 1919, you received a committee of the grand jury on October 17, 1919, the only names considered as possible counsel were those of Hon. Charles E. Hughes, ex-Justice of the United States Supreme Court; Hon. Francis M. Scott, ex-Judge of the Supreme Court, and Mr. William Rand. Accordingly when writing you on October 21, 1919, I purposely avoided the mention of names. Your Excellency's answer, dated October 24, 1919, refused the grand jury's request for counsel. It enclosed a copy of the district attorney's letter to you, dated October 23, 1919, upon which Your Excellency evidently based such refusal, apparently without examination or verification of the truth and validity of the district attorney's defense, though the grand jury's statement, represented the unanimous opinion of some twenty jurors present.

To correct the misstatement of the district attorney and to present other good and sufficient reasons, including distinct notification to your Excellency of the investigations then already initiated of the district attorney's office and the municipal offices, I again wrote your Excellency on November 20, 1919. In this letter, the grand jury emphasized the imperative need of the substitution of the Attorney-General, for the district attorney, and committed to your Excellency's charge, the responsibility. Your Excellency's reply, dated November 25, 1919, advised me that at your Excellency's suggestion the district attorney would designate Mr. Battle as a special assistant district attorney to have entire charge of the proceedings before the extraordinary grand jury. The plain inference from your Excellency's letter and subsequent statements is that the designation of Mr. Battle was supposed to be in compliance with the Grand Jury's request. This was obviously inaccurate.

Mr. Battle's appointment was consummated with unusual celerity. It was cheerfully welcomed by those most directly involved in the investigations. The selection was both a shock and a surprise to the grand jury, for although the appointee is an able lawyer of recognized honor and position, it was then a matter of public knowledge that Mr. Battle (1) had appeared before the Governor's Commissioner, ex-Supreme Court Judge Ingraham, as a representative of Mr. Swann, in the matter of the charges against the district attorney preferred by the City Club; (2) had written and caused to be published the "Dear Edward" letter immediately after the grand jury pronouncement of October 10, 1919, eulogizing the district attorney and his office and resenting the mention of his name by the grand jury; (3) had been retained as counsel by the Russian Soviet or its chief representative and had appeared for him and others in defense of an alleged matter of criminal anarchy; (4) after endorsing the Bar Association recommendation for renomination of Judge Newburger, had conducted the campaign of his unsuccessful opponent, thereby identifying himself unalterably with a society, conspicuously associated in the public mind with city politics, to which your Excellency and the district attorney are also credited with belonging; (5) and finally, the assertion that Mr. Battle's name had been decided upon at a conference of your Excellency while the acting and chief assistant district attorney, the construction commissioner of the Public Service Commission and his deputy, all members of the society above mentioned, was published in the newspapers without denial.

We must assume that had your Excellency known of the aggregate of these embarrassments the suggestion of Mr. Battle's name would never have been made by your Excellency. Mr. Battle very properly recognized that

these conditions, separately and collectively, could not do otherwise than militate against public and grand jury confidence, and he withdrew in a letter to your Excellency, dated December 11, 1919, in which he stated, after having become familiar with the grand jury minutes, which were sent to him at Atlantic City by the district attorney,

> "I should not be willing to accept this very important public duty unless certain of the cooperation of the grand jury."

A statement, credited to your Excellency, was published on December 16, 1919, suggesting the name of Mr. Joseph M. Proskauer, for appointment by the district attorney as a special assistant district attorney to this grand jury and, at the same time, your Excellency was kind enough to admonish the grand jury to "get down to work and make good." (At this time the grand jury had assembled fifty times and taken evidence on about forty different days, many of the sessions having been all day and few less than three hours.) Mr. Proskauer was acceptable to the grand jury; and he himself appears to have believed in the necessity and reasonableness of the grand jury's requirements. In elucidation of his position his letter to the district attorney, dated December 17, 1919, reads:

> "Your ready acquiescence in the Governor's suggestion of my appointment leads me to hope that you will agree to the propriety of the following understanding in the event that I take the oath of office.
>
> First, that I shall have independent control over the matters brought before the grand jury and over its investigations and, second, that from your contingent fund, or through application to the proper authorities, if the contingent fund is insufficient, to supply me with necessary money to organize a reasonable staff of assistants to be appointed on my nomination.
>
> I hope you will agree with me that we should all cooperate to the end that the public shall feel that there has been a complete, impartial and final determination of the suggestions of official improprieties that have been made.
>
> I trust that so far as your office is concerned you will be glad to have the public know that all proceedings will be free from any possible interference from the office under investigation."

The unwillingness of the district attorney to have his office investigated in these terms compelled Mr. Proskauer to decline the appointment.

During the past month numerous additional complaints affecting the offices of the district attorney and municipality have been received, which emphasize the need of the grand jury investigations already initiated. They are of a sufficiently serious character to justify, if not imperatively demand, conscientious investigation.

It is the desire of the grand jury to give thoughtful and candid consideration to your Excellency's invitation that it prefer charges against the district attorney. To enable the grand jurors to determine whether the grand jury may properly do so, and whether it would be in the public interest for it to do so, it may be useful to review the duties and functions of the grand jury.

The Code of Criminal Procedure defines the grand jury functions and duties, in part, as follows:

Section 223. Grand jury defined.

> "A grand jury is a body of men, returned at stated periods from the citizens of the county, before a court of competent jurisdiction, and chosen by lot, and sworn to inquire of crimes committed or triable in the county."

Section 251. Discharge of the grand jury.

> "The grand jury, on the completion of the business before them, must be discharged by the court; but whether the business be completed or not, they are discharged by the final adjournment of the court."

Section 252. Power of grand jury to inquire into crimes, etc.

> "The grand jury has power, and it is their duty, to inquire into all crimes committed or triable in the county, and to present them to the court."

Section 260. Grand jury must inquire as to . . . the misconduct of public officers.

(The grand jury must inquire,)

"3. Into the willful and corrupt misconduct in office, of public officers of every description, in the county."

Even though a grand jury should not indict a public official, it still has the duty to inquire into the misconduct of such officers. In proper cases it should make a presentment; not however to the Governor but to the Court to which it was returned and by which it is discharged. Such was the decision of the Appellate Division of the Supreme Court.

"Matter of Jones v. People (1905), 101 App. Div. 55, 92 N. Y. Supp. 275, 19 N. Y. Cr. 59, wherein the court said: "We may assume that these powers are conferred for some purpose. Official inquiry intends either official action or official report. As such powers are limited to inquiry, and the grand jury has no executive or administrative authority in the premises, the result of any inquiry must be a report or statement which shall call attention to the wrong. *The grand jury can but report to the Court to which it was returned and by which it is discharged.*"

Nowhere in the statutes, either expressly or by implication, is given the power or imposed the duty to formulate charges against public officials for presentation to the Governor. Therefore, if the members of the grand jury were to attempt to formulate such charges they would be but the charges of individuals. They would *not* be the charges of an official body.

Your Excellency's request that the Grand Jury shall present to your Excellency charges against the district attorney upon the basis of which your Excellency will appoint a commissioner to hear the charges is equivalent to asking the grand jury not only to file charges but also to appear before the commissioner and prove charges. In fact, your Excellency suggests that the grand jury shall assume the responsibility for the validity of charges which your Excellency has previously denied it lawful and adequate means to investigate. Neither as individuals nor as a body should the grand jury make itself responsible for charges against the district attorney or anyone else which it has been unable to investigate or verify in a proper and trustworthy manner for want of counsel.

The grand jury is an ancient institution representative of the people. Its knowledge of its responsibilities should impose full willingness to exercise its powers and, jealously to safeguard them. It stands between the people and the Courts of Law. Its function is to prevent such travesties of justice as might confound the Court should evidence be presented without first having been heard and weighed by the grand jury. It matters not whether or no, such evidence be the product of political or journalistic influence or of ignorance.

The grand jury believes, it should not abdicate its own function, given it by section 260 to "inquire into the willful and corrupt misconduct in office" (if such be found) "of public officers of every description, in the county" of New York.

It believes itself competent and that it is well within its own jurisdiction to cause (much as your Excellency puts it) either the censure or exoneration of the district attorney, or anyone else, after it shall, by investigation, have the facts before it.

Unlawful conditions, including the willful and corrupt uses of public office and overshadowing crimes" in general, may not usually be investigated with success by public proceedings. Thereby those involved sometimes more readily evade detection. This is the very reason for the secrecy of grand jury proceedings and its proven usefulness in criminal law.

The grand jury therefore declines to prefer charges to your Excellency against the district attorney, as suggested by your Excellency.

High officials of this county (whether or not as puppets of the *Master Trickster*) have publicly charged infamous crimes against citizens, humble and otherwise, of which not one word of proof has been brought before us. They have attacked the federal judiciary; they have decried the ancient

institution of the grand jury; they have created animuses and disorder, harmful and injurious to the public welfare. Such abuse is in itself intolerable, if not unlawful, in any civilized community; it is a reckless and sinister appeal to the dissatisfied elements in every class, more subversive than bolshevik propaganda because emanating from public authority.

Nevertheless, the grand jury's inquiries are delayed, and obstructed because only of a technicality, even if there be such. No other sufficient reason than a purpose to circumvent the investigations initiated by camouflaging the facts and wearing out or discrediting this grand jury is discernible.

The contention that your excellency has lacked power to designate the Attorney-General under the Executive Law, section 62, subdivision 2, in the absence of an allegation of specific crimes against specific persons, which could then be specified in a direction to the Attorney-General, appears untenable, since there is nothing that requires such a specification in the law, which we quote:

The Attorney-General shall:

> "(2) Whenever required by the Governor, attend in person, or by one of his deputies, and term of the Supreme Court or appear before the grand jury thereof for the purpose of managing and conducting in such court or before such jury such criminal actions or proceedings as shall be specified in such requirement; in which case the Attorney-General or his deputy so attending shall exercise all the powers and perform all the duties in respect of such actions or proceedings, which the district attorney would otherwise be authorized or required to exercise or perform; and in any such actions or proceedings the district attorney shall only exercise such powers and perform such duties as are required of him by the attorney-general or the deputy attorney-general so attending." (Executive Law, section 62, subdivision 2.)

The words "such criminal actions or proceedings as shall be specified in such requirement" seem to contemplate only a reasonably precise definition or specification of the particular matters in which the Attorney-General is directed to act in place of the district attorney. A review of the cases in which the Governor of the State has hitherto made such orders will, the grand jury believes, demonstrate that there has not often been any such definiteness of specification as is now claimed to be necessary. The statute would seem to have permitted your excellency to require the Attorney-General to manage and conduct all criminal investigations and proceedings before the extraordinary grand jury, "concerning, relating to, arising from, growing out of or based upon the past administration of the office of the district attorney of New York county." And similar orders might be made respecting the departments, boards, bureaus and offices of the government of the city of New York.

The order should be plain and unmistakable. It should be so clear in its appplication that there can never be any doubt as to whether a case of a given sort is under the jurisdiction of the Attorney-General, or under the jurisdiction of the district attorney. But, if the order said that the Attorney-General should prosecute every past offense of the district attorney's office how could there be any mistake as to where the responsibility lay? And if it said the same of the several departments, boards, bureaus and offices of the city of New York, how could there be any mistake?

In further consideration of your excellency's contention that your excellency lacks the power to grant the grand jury the relief it has ever since October 17, 1919, unavailingly sought from your excellency, section 65 of the Executive Law seems important for the reason that it provides that:

> "The governor or attorney-general may designate and employ such additional attorneys or counsel as may be necessary to assist in the transaction of any of the legal business mentioned in section sixty-two of this chapter and such attorneys or counsel shall be paid from the treasury a reasonable fee upon the certificate of the governor and attorney-general, the amount thereof to be audited and allowed by them or to be paid by the attorney-general out of the costs recovered by him."

This section appears clearly to authorize the Governor to designate and employ counsel, acting independently of the Attorney-General. The use of the words "governor *or* attorney-general" instead of "and" is not accidental but continues the independent power of the Governor which has existed under the statutes of this State for a great many years, to select counsel for the State, co-ordinating in this respect the powers of the Governor and Attorney-General.

There is, indeed, another portion of section 62 of the Executive Law of which it seems that your excellency could readily have availed yourself (in connection with section 62, subdivision 2). Subdivision 8 of section 62, added by chapter 595, Laws of 1917, and generally known as the "Peace and Safety Act" was not, as is commonly supposed, adopted for war purposes, but as a matter of fact, was drafted and under consideration before the United States entered the war. It contains nothing limiting its application to war purposes, and provides that:

> "Whenever in his judgment the public interest requires it, the attorney-general may, with the approval of the governor, and when directed by the governor, shall, inquire into matters concerning the public peace, public safety and public justice. For such purpose he may, in his discretion, and without civil service examination appoint and employ, and at pleasure remove, such deputies, officers and other persons as he deems necessary, determine their duties and, with the approval of the governor, fix their compensation."

It being within the power of your excellency to appoint counsel to assist in the transaction of any of the legal business mentioned in section 62, it seems reasonable to presume that your Excellency could have appointed counsel to inquire, or required the Attorney General to inquire into matters vitally concerning public justice in the County of New York. For obviously, section 62, subdivision 8 (the Peace and Safety Act) permits of a very broad order in matters of investigation and offers an entirely practical scheme whereby the Attorney General would make preliminary investigations. Then, if he found evidence which warranted specific charges, your Excellency by the issuance of supplemental orders under section 62, subdivision 2, could have directed the Attorney General to appear before the Grand Jury. Apparently, the special unction of Section 62, subdivision 8, is *investigation* and the function of section 62, subdivision 2, is *prosecution*.

The powers of the Attorney-General, however, are not alone dependent upon the special provisions of law contained in these subdivisions. He is also the historical and constitutional officer authorized to appear in all matters in which the People of the State are interested. He is the highest prosecuting official in the State and still possesses his original power to appear of his own motion before all grand juries and prosecute all crimes.

However, should the public purposes of the Grand Jury be frustrated because of your Excellency's evasion of the issue, or because of the unwillingness of the Attorney-General to act, or because of the adjournment of the term of Court, the Grand Jury firmly believes that the fact of the considerable amount of regular business it has accomplished is unimportant compared with the good that will issue to the people at large because of their better knowledge of the grand jury and its real purpose. The public will better appreciate the right of this most important bulwark of the people's liberties to a spirit of self-reliance or of freedom from the subordination to others — a protection against the tyranny of unjust prosecution. If the laws have been so enacted as to impair even to a slight extent this safeguard of the public weal, it is time that the laws should be amended, so as to restore its full usefulness.

With assurance of the profound respect of the Grand Jury and its regret to feel that circumstances it has so patiently endeavored to avoid, require that it place before your Excellency this unanimous expression of opinion.

I am,

Faithfully yours,

(Signed) RAYMOND F. ALMIRALL.

Foreman.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, January 20, 1920.

MR. RAYMOND F. ALMIRALL, *Foreman, Extraordinary Grand Jury, 12 East 46th Street, New York City:*

MY DEAR MR. ALMIRALL.— I am in receipt of your letter of January 14th. I am fully aware of the fact that a grand jury is a most important part of our judicial system. Nevertheless, under the Constitution and statutes of this State, there are several other important agencies of government whose duties are clearly defined. One of these is the Governor, and as such I shall not exceed my legal power and authority. I am advised by counsel that your legal conclusions as to my powers and duties are erroneous and that it is not my function to provide a legal adviser to the grand jury.

The whole difficulty in this situation seems to be set forth in your own words, in the second paragraph of your letter, where you refer to the fact that seven weeks ago you

"sought for counsel entirely independent of the district attorney's office as a matter of principle."

That is just the thing that I am prevented from doing by the law itself. I cannot supersede the district attorney as a matter of principle or as a matter of sentiment. In superseding the district attorney by the attorney-general, I am bound to proceed in the method prescribed by the statute and the decisions interpreting it.

Subdivision 2 of section 62 of the Executive Law distinctly limits the Governor's power to supersede the district-attorney to

"such criminal actions or proceedings as shall be specified in such requirement."

Should the attorney-general, acting under such designation, exceed the scope of the investigation either as expressed in or legally inferable from the designation, any indictment found might be void. This was decided in the case of The People v. Welz, 70 Misc. 183.

The whole question of setting aside the constitutional prosecuting officer of a county by the substitution of the attorney-general, is the subject of many decisions. When the question arose of a general substitution, with what might well be referred to as a roving commission, the attorney-general, in an opinion to the Governor in 1914, used the following language:

"The designation contemplated in section 62 must specify the county in which the investigation is to be carried on. It must specify the district attorney to be superseded. *It must specify the offense or offenses to be investigated.* * * * This is the construction that always has been placed upon the section by every Attorney-General and every Governor called upon to act under it. Every designation heretofore made has been specific in character, directed to some particular county and in some particular charge."

When I requested the designation by Judge Swann of Mr. Battle and Mr. Proskauer, it was because I felt that this was the only regular way to proceed and at the same time keep within the opinion of the attorney-general just quoted, for the reason that if either of these men were named by the district attorney he would

not be limited, as would the attorney-general or his deputy, to the action or proceeding specified in the requirement.

You speak of my letters unintentionally permitting public misapprehension as to the suggestion of Mr. Battle's name. While it is true that you did not personally suggest to me the name of Mr. Battle, what could you possibly have meant by your letter of October 15th, wherein you requested an interview with me in regard to the designation of a special legal adviser, when in that same letter you incorporated a section of your presentment to the presiding Judge, wherein you say that the

"Extraordinary grand jury has voted unanimously that your honor cause to be appointed or designated immediately a special assistant district attorney in the person of George Gordon Battle of the City of New York."

What could I have inferred from a reading of that letter but that your jury requested of the Judge the designation of Mr. Battle?

On that point let us clear up in the public mind what must be a general misunderstanding as to the power of the Governor to supply the Extraordinary Grand Jury with counsel of its choice. Let us have it understood for all time that neither the Governor nor the grand jury can select any particular person to act as such counsel, so that it was wholly outside of the statute to think for a moment that the Governor could assign Mr. Hughes, Mr. Scott, or Mr. Rand. By no possible stretch of the imagination could that situation be brought about, because I was limited by the statute to request the attorney-general to attend *in person or by one of his deputies,* and the attorney-general is the only man with a voice in the selection of that deputy, if he should choose not to appear himself.

Your letter further states that:

"A review of the cases in which the Governor of the State has hitherto made such orders will, the grand jury believes, demonstrate that there has not often been any such definiteness of specification as is now claimed to be necessary."

In this you are mistaken. I have carefully examined every superseding order made in the last twelve years, and in each order not only is a definite proceeding mentioned, but in nine cases out of ten a defendant is named, the broadest designation being that of an investigation of borough officials in the Borough of Queens, and in that instance there are on file in this office specific charges of neglect on the part of the district attorney and the record of the investigation made by the Commissioner of Accounts for the City of New York, and a charge that the district attorney of that county had failed in his duty, in that he had not presented to the grand jury facts that were known to be in his possession and had not proceeded with the trial of certain indictments already filed.

You are in error when you quote section 65 of the Executive Law as applicable to your situation. Section 65 applies to subdivision 1 of section 62 and authorizes the Governor to employ counsel to assist the attorney-general in any suit or proceeding prosecuted or defended by him in behalf of the State itself, and has no application to duties performed in a proceeding before a grand jury.

Again, you are mistaken when you assume that the Governor could assign counsel to your body under subdivision 8 of section 62, added by chapter 595 of the Laws of 1917, and generally known as the "Peace and Safety Act." That act contemplates a secret inquiry before the attorney-general himself, or before a magistrate, and not before a grand jury. The purpose of its enactment was to provide the State with a form of secret procedure for the purpose of secretly investigating enemies of the State within its borders, *and does not empower the attorney-general to supersede the district attorney of any county in any proceedings.*

I am not concerned with your contention that the attorney-general has the right to act as your adviser independently of me. While I am advised that he has no such power, the decision of that matter rests with him as a constitutional officer, and not with me.

I regret that you have said in your letter that the purposes of the grand jury might be frustrated because of my "evasion of the issue." I believe that I have made myself perfectly clear, and it is unfortunate that you are not properly advised, as your letter clearly indicates. You have held aloof from the Executive of the State and attempted by vague insinuations to create the impression that the Executive had some knowledge of what was going on before your jury. You call my attention to a decision which holds that a grand jury can report only to the court. I know of no reason, however, why, if the public interest requires it, that report cannot, with the court's permission, be forwarded to me, as Governor, for such official action as the Constitution and laws may enjoin on me. I believe I have been very plain and very concise, and I hold that in all of your written requests you have never laid before me anything that would enable me to make an order superseding the district attorney in any criminal action or proceeding that I would be able to specify in my requirement. I am advised that heretofore, when the Governor has been asked to supersede the district attorney, he has had presented to him some reason for so doing, either in writing or by explanation of the facts made by some party interested.

While I believe I have abundant reason to resent deeply the tone of your communication of the 14th, you may be assured that I shall not let such resentment in any way interfere with the discharge of my duty as Governor, if there is presented to me any matter calling for the exercise of my official powers.

Yours respectfully,

(Signed) ALFRED E. SMITH.

January 22, 1920.

HON. ALFRED E. SMITH, *Governor, The Capitol, Albany, N. Y.:*

EXCELLENCY.—Let me acknowledge receipt of your excellency's letter, dated January 20, 1920.

Though your excellency and the extraordinary grand jury may honestly differ in the interpretation of the law, the grand jury recognizes the need of action rather than of discussion. Nothing is further removed from its thought than to have reflected on the Governor of the State.

In view of the statement of the district attorney, contained in his letter to your excellency of December 18, 1919, that if any specific charge of crime based upon evidence, is made against the district attorney or any one connected with his office, he would immediately request your excellency to require the Attorney-General to take charge of the same, I beg respectfully to advise your excellency that the extraordinary grand jury is now considering charges against one member of the staff of the district attorney and that it is in receipt of a letter from the district attorney, advising it that he has subpoenaed witnesses to appear before it in relation to an inquiry being conducted in regard to another member of his staff, he having appeared in person before the grand jury in relation thereto. Additionally, a charge is made by an important official of another State against another member of the district attorney's staff and various other complaints or charges against other members of the district attorney's staff, have been presented to the grand jury which has had no opportunity to investigate them.

The grand jury respectfully submits that in the consideration of charges of this character the grand jury should be afforded the benefit of a legal adviser other than the district attorney or any of his assistants. Without such help, the examination of the persons accused, two of whom have already requested to be heard, cannot be properly or satisfactorily conducted.

Therefore, without further intruding debate of your excellency's views in regard to the designation of the Attorney-General as adviser to the grand jury, the grand jury begs to request that the Attorney-General be named by your excellency to appear before it and conduct such criminal actions or proceedings as may now be pending or may hereafter come before it directed against the members of the staff of the district attorney of New York county or against any other person or persons connected with the office of the district attorney of New York county. The grand jury considers that by thus limiting its present application, it is meeting your excellency's contention that the intervention of the Attorney-General may only be required in relation to specified criminal actions or proceedings and that before action may be taken by your excellency, your excellency's attention should be called to the specified proceeding in which it is claimed that such intervention is necessary or proper.

In thus acquiescing in your excellency's view, the extraordinary grand jury is pleased to assure your excellency of its earnest desire for the official co-operation of your excellency.

Very respectfully,
(Signed) RAYMOND F. ALMIRALL,
Foreman.

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, February 14, 1920.

MR. RAYMOND F. ALMIRALL, *Foreman, Extraordinary Grand Jury,*
12 East 46th Street, New York City:

DEAR SIR.— Your communication of January 22nd at hand and its contents carefully noted. Pressure of official business and illness of myself and family have prevented any earlier consideration of this matter by me.

I am entirely willing now, as I have been at all times since Your Body requested me to furnish counsel to you, to do all in my power legally to comply with your request. My position now is the same as it always has been, that, so soon as Your Body furnishes me with information sufficiently definite upon which to base an order superseding the district attorney by the attorney-general under the provisions of the Executive Law, I will act. I insist that such definite information has not been furnished me as yet.

In your communication you state:

"I beg respectfully to advise your excellency that the extraordinary grand jury is now considering charges against one member of the staff of the district attorney, and that it is in receipt of a letter from the district attorney, advising it that he has subpoenaed witnesses to appear before it in relation to an inquiry being conducted in regard to another member of his staff, he having appeared in person before the grand jury in relation thereto. Additionally, a charge is made by an important official of another State against another member of the district attorney's staff, and various other complaints or charges against other members of the district attorney's staff, have been presented to the grand jury which has had no opportunity to investigate them."

You also ask in such communication —

"that the Attorney-General be named by your excellency to appear before it and conduct such criminal actions or proceedings as may now be pending or may hereafter come before it directed against the members of the staff of the district attorney of New York county, or against any other person or persons connected with the office of the district attorney of New York county."

There are some fifty men connected in various capacities with the office of district attorney of New York county. I insist that I have a right to know which member or which members of the district attorney's staff you desire to investigate, and for what crime, or for what official misconduct, before I direct the attorney-general to conduct such an investigation in place of the district attorney.

If Your Body will furnish me with the name or names of the member or members of the district attorney's staff that you desire to investigate, and also state to me the crime or crimes or official misconduct with which such member or members is or are charged, to the end that I may so word the designating order as to be in conformity with the letter and spirit of the statute, I will act. I will not, by a superseding order such as you ask, place the entire staff of the district attorney in the position of being under charges for some undisclosed indefinite offense.

Very truly yours,
(Signed) ALFRED E. SMITH.

February 17, 1920.

HON. ALFRED E. SMITH, *Governor, The Capitol, Albany, N. Y.:*

EXCELLENCY — Let me acknowledge receipt of your excellency's letter of the 14th instant.

For the purpose of securing the services of the Attorney-General as legal adviser to the extraordinary grand jury, and without acquiescing in your excellency's apparent conception of the necessity of specifying charges, the extraordinary grand jury defers to your excellency's requirement.

The extraordinary grand jury highly appreciates your excellency's expression of willingness to do all in your excellency's power to legally comply with its request, and your excellency's promise to designate the Attorney-General on receipt of the specifications your excellency is pleased to require.

Because of the preference of the grand jury not to link together the name of a person and the charge of an uninvestigated crime, the grand jury takes the great liberty of enclosing herewith a memorandum of the names of three members of the district attorney's staff particularly referred to in the grand jury's letter, dated January 22, 1920, with a statement of the crimes with which such members are charged.

With expressions of esteem, I am,

Very respectfully,
(Signed) RAYMOND F. ALMIRALL,
Foreman.

Memorandum

(1) John T. Dooling, charged in connection with Alexander F. Reichman, with a conspiracy to falsely and maliciously indict one Gaston B. Means for the crime of murder and to procure said Means to be complained of and arrested for such crime in violation of section 580, subdivision 2 of the Penal Law. In connection with the investigation, thus far made of said alleged crime, some evidence has been presented indicating that crimes in violation of section 580, subdivision 6, section 1846, and also section 376 of the Penal Law have also been committed by said Dooling.

(2) James E. Smith, charged with various violations of section 372 of the Penal Law, and with neglect of duty in violation of sections 1841 and 1857 of the Penal Law, in respect of the investigation and presentation of gambling and disorderly houses.

(3) Edwin P. Kilroe, charged with neglect and omission of duty in violation of sections 1841 and 1857 of the Penal Law, in failing to present and prosecute charges of larceny made by Thomas B. Donaldson, Insurance Commissioner of the State of Pennsylvania, against George F. Montgomery.

February 19, 1920.

MR. RAYMOND F. ALMIRALL, *Foreman, Extraordinary Grand Jury, 12 East 46th Street, New York City:*

DEAR SIR.— Your communication of February 17th at hand.

In accordance with the request contained in your communication, I have this day directed the attorney-general, under the provisions of section 62 of the Executive Law, to attend in person, or by one of his deputies, the Extraordinary Term of the Supreme Court appointed to be held in and for the county of New York on the 11th day of August, 1919, and before the grand jury drawn for said term of court, for the purpose of managing and conducting before said grand jury all proceedings, examinations and inquiries and any and all criminal actions and proceedings which may be had or taken by or before said grand jury concerning or relating to

1. John T. Dooling, a member of the staff of Edward Swann, District Attorney of New York county, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said John T. Dooling in violation of subdivision 2 and subdivision 6 of section 580 of the Penal Law of the State of New York and sections 376 and 1846 of the Penal Law of the State of New York, in connection with the indictment, or the procuring of the indictment, or the attempting to procure the indictment of one Gaston B. Means.

2. James E. Smith, a member of the staff of Edward Swann, District Attorney of New York county, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said James E. Smith in violation of sections 372, 1841 and 1857 of the Penal Law of the State of New York, in respect to the investigation and presentation of complaints and charges against gambling and disorderly houses in the city and county of New York.

3. Edwin P. Kilroe, a member of the staff of Edward Swann, District Attorney of New York county, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said Edwin P. Kilroe, in violation of sections 1841 and 1857 of the Penal Law of the

"I beg respectfully to advise your excellency that the extraordinary grand jury is now considering charges against one member of the staff of the district attorney, and that it is in receipt of a letter from the district attorney, advising it that he has subpoenaed witnesses to appear before it in relation to an inquiry being conducted in regard to another member of his staff, he having appeared in person before the grand jury in relation thereto. Additionally, a charge is made by an important official of another State against another member of the district attorney's staff, and various other complaints or charges against other members of the district attorney's staff, have been presented to the grand jury which has had no opportunity to investigate them."

You also ask in such communication —

"that the Attorney-General be named by your excellency to appear before it and conduct such criminal actions or proceedings as may now be pending or may hereafter come before it directed against the members of the staff of the district attorney of New York county, or against any other person or persons connected with the office of the district attorney of New York county."

There are some fifty men connected in various capacities with the office of district attorney of New York county. I insist that I have a right to know which member or which members of the district attorney's staff you desire to investigate, and for what crime, or for what official misconduct, before I direct the attorney-general to conduct such an investigation in place of the district attorney.

If Your Body will furnish me with the name or names of the member or members of the district attorney's staff that you desire to investigate, and also state to me the crime or crimes or official misconduct with which such member or members is or are charged, to the end that I may so word the designating order as to be in conformity with the letter and spirit of the statute, I will act. I will not, by a superseding order such as you ask, place the entire staff of the district attorney in the position of being under charges for some undisclosed indefinite offense.

Very truly yours,
(Signed) ALFRED E. SMITH.

February 17, 1920.

HON. ALFRED E. SMITH, *Governor, The Capitol, Albany, N. Y.:*

EXCELLENCY — Let me acknowledge receipt of your excellency's letter of the 14th instant.

For the purpose of securing the services of the Attorney-General as legal adviser to the extraordinary grand jury, and without acquiescing in your excellency's apparent conception of the necessity of specifying charges, the extraordinary grand jury defers to your excellency's requirement.

The extraordinary grand jury highly appreciates your excellency's expression of willingness to do all in your excellency's power to legally comply with its request, and your excellency's promise to designate the Attorney-General on receipt of the specifications your excellency is pleased to require.

Because of the preference of the grand jury not to link together the name of a person and the charge of an uninvestigated crime, the grand jury takes the great liberty of enclosing herewith a memorandum of the names of three members of the district attorney's staff particularly referred to in the grand jury's letter, dated January 22, 1920, with a statement of the crimes with which such members are charged.

With expressions of esteem, I am,

Very respectfully,
(Signed) RAYMOND F. ALMIRALL,
Foreman.

Memorandum

(1) John T. Dooling, charged in connection with Alexander F. Reichman, with a conspiracy to falsely and maliciously indict one Gaston B. Means for the crime of murder and to procure said Means to be complained of and arrested for such crime in violation of section 580, subdivision 2 of the Penal Law. In connection with the investigation, thus far made of said alleged crime, some evidence has been presented indicating that crimes in violation of section 580, subdivision 6, section 1846, and also section 376 of the Penal Law have also been committed by said Dooling.

(2) James E. Smith, charged with various violations of section 372 of the Penal Law, and with neglect of duty in violation of sections 1841 and 1857 of the Penal Law, in respect of the investigation and presentation of gambling and disorderly houses.

(3) Edwin P. Kilroe, charged with neglect and omission of duty in violation of sections 1841 and 1857 of the Penal Law, in failing to present and prosecute charges of larceny made by Thomas B. Donaldson, Insurance Commissioner of the State of Pennsylvania, against George F. Montgomery.

February 19, 1920.

MR. RAYMOND F. ALMIRALL, *Foreman, Extraordinary Grand Jury, 12 East 46th Street, New York City:*

DEAR SIR.— Your communication of February 17th at hand.

In accordance with the request contained in your communication, I have this day directed the attorney-general, under the provisions of section 62 of the Executive Law, to attend in person, or by one of his deputies, the Extraordinary Term of the Supreme Court appointed to be held in and for the county of New York on the 11th day of August, 1919, and before the grand jury drawn for said term of court, for the purpose of managing and conducting before said grand jury all proceedings, examinations and inquiries and any and all criminal actions and proceedings which may be had or taken by or before said grand jury concerning or relating to

1. John T. Dooling, a member of the staff of Edward Swann, District Attorney of New York county, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said John T. Dooling in violation of subdivision 2 and subdivision 6 of section 580 of the Penal Law of the State of New York and sections 376 and 1846 of the Penal Law of the State of New York, in connection with the indictment, or the procuring of the indictment, or the attempting to procure the indictment of one Gaston B. Means.

2. James E. Smith, a member of the staff of Edward Swann, District Attorney of New York county, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said James E. Smith in violation of sections 372, 1841 and 1857 of the Penal Law of the State of New York, in respect to the investigation and presentation of complaints and charges against gambling and disorderly houses in the city and county of New York.

3. Edwin P. Kilroe, a member of the staff of Edward Swann, District Attorney of New York county, growing out of or based upon any violation or alleged violation of law rising through or from any act or transaction on the part of said Edwin P. Kilroe, in violation of sections 1841 and 1857 of the Penal Law of the

State of New York in the presentation and prosecution of charges of larceny made by Thomas B. Donaldson, Insurance Commissioner of the State of Pennsylvania, against George F. Montgomery.

Very truly yours,

(Signed) ALFRED E. SMITH.

NOTE.—The Governor's order designating the Attorney-General to supersede the district attorney of New York county is contained in section VII of Public Papers of 1920.

IX

REMOVAL PROCEEDINGS AND INVESTIGATIONS

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IX

REMOVAL PROCEEDINGS AND INVESTIGATIONS

Charges against Frank L. Nolton, Sheriff of Steuben County

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of Charges against Frank L. Nolton, Sheriff of Steuben County, New York

NOTICE AND SUMMONS

TO FRANK L. NOLTON, *Sheriff of the County of Steuben:*

You are hereby notified that charges have been preferred against you and that your removal from the office of Sheriff of the County of Steuben thereon has been asked by Walter A. Smith.

A copy of said charges is herewith served upon you.

I hereby fix the third day of March, 1920, at noon, as the date on or before which your answer to said charges shall be filed with me at the Executive Chamber, Capitol Building, in the City of Albany; and you are further notified that on said third day of March, 1920, or on such later day or days as may be appointed by me, you will be afforded an opportunity of being heard in your defense.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Privy Seal of the State at the Capitol in the [L. S.] City of Albany, this eighteenth day of February, in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

GEORGE R. VAN NAMEE,
Secretary to the Govenor.

Appointment of John J. Irving as Commissioner to investigate charges against Frank L. Nolton, Sheriff of Steuben County

STATE OF NEW YORK — EXECUTIVE CHAMBER

Charges having been filed with me on the sixth day of February, 1920, by Walter A. Smith, against Frank L. Nolton, Sheriff of the County of Steuben, with a petition that he be removed from his office as Sheriff of the County of Steuben, and a copy thereof having been served on said Frank L. Nolton, who has filed an answer to said charges.

NOW, THEREFORE, Pursuant to the statute in such case made and provided, I do hereby appoint

JOHN J. IRVING,

of Binghamton, N. Y., a commissioner to examine the witnesses and take evidence as to the truth of said charges, and I do hereby direct said Commissioner to report to me the said evidence and his findings of the material facts deemed by him to be established in connection with said charges, together with his conclusions thereon.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourth day of
[L. S.] March, in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
GEORGE R. VAN NAMEE,
Secretary to the Governor.

Report of John J. Irving as Commissioner to Investigate Charges against Frank L. Nolton, Sheriff of Steuben County.

In the Matter of Charges against Frank L. Nolton, Sheriff of Steuben County

REPORT OF JOHN J. IRVING, *Commssioner*

To his Excellency, Hon. ALFRED E. SMITH, *Governor of the State of New York:*

On the fourth day of March, 1920, pursuant to the statute in such case made and provided, I was duly appointed by you a Commissioner to examine the witnesses, and take evidence, as to the truth of the charges preferred by Walter A. Smith against Frank L. Nolton, Sheriff of the County of Steuben, New York, and was directed to report to your Excellency the evidence and my findings with the material facts deemed by me to be established in connection with said charges, together with my conclusions thereon, my commission reading as follows:

"STATE OF NEW YORK — EXECUTIVE CHAMBER

Charges having been filed with me on the sixth day of February, 1920, by Walter A. Smith, against Frank L. Nolton, Sheriff of the County of Steuben, with a petition that he be removed from his office as Sheriff of the County of Steuben, and a copy thereof having been served on said Frank L. Nolton, who has filed an answer to said charges.

NOW, THEREFORE, pursuant to the statute in such case made and provided, I do hereby appoint John J. Irving, of Binghamton, New York, a Commissioner to examine the witnesses and take evidence as to the truth of said charges; and I do hereby direct said Commissioner to report to me the said evidence and his findings of the material facts deemed by him to be established in connection with said charges, together with his conclusions thereon.

GIVEN under my hand and Privy Seal of the State, at the Capitol
[L. S.] in the City of Albany, this Fourth day of March in the year of our Lord One Thousand Nine Hundred and Twenty.

ALFRED E. SMITH.

By the Governor:
GEORGE R. VAN NAMEE,
Secretary to the Governor."

Pursuant to the Commission committed to me I gave notice to the sheriff and arranged with him and his attorneys, together with the attorneys for Walter A. Smith, the complaining petitioner, for the taking of testimony in said matter.

A preliminary hearing was had at the City of Corning, N. Y., on the 20th day of April, 1920, and arrangements made at said hearing for taking evidence at the Village of Bath, the county seat of Steuben County, on the 23rd day of April, 1920.

On said 23rd day of April, 1920, the hearing was commenced, and I was attended upon the same by Walter A. Smith, the petitioner, in person, with his attorneys, J. O. Sebring, Esq., Thomas F. Rogers, Esq., and Virgil Tupper, Esq.; and the respondent, Frank L. Nolton, also appeared in person and by his attorneys, John W. Hollis, Esq., and Edwin S. Brown, Esq.

The taking of testimony was commenced on said day and continued at intervals thereafter at the convenience of the parties and their counsel on the following days, to wit: On April 24th, 28th, 29th and 30th, May 12th and 13th, June 1st and 2nd, and July 23rd, respectively, at the said Village of Bath; and on May 5th and 6th, and on August 6th, at the City of Corning; and on June 3rd, 10th, 19th and 26th at the City of Hornell.

The hearings were all public and considerable interest was manifested therein. The complaining petitioner, as well as the respondent, the said sheriff, were at all times ably represented by counsel, leaders of the Steuben county bar. Nothing seemed left undone by either side which in any way had a bearing on the case.

For the convenience of witnesses, and to expedite the matter, hearings were held at each of the three court houses in the County of Steuben, to wit, at the Village of Bath, and at the cities of Corning and Hornell.

A large amount of testimony was taken, the record comprising some sixteen hundred and twelve pages, together with a large number of exhibits.

The freest latitude was given the respective sides during the hearings to present their case, and your Commissioner also made a personal inspection of the jail and the sheriff's quarters.

The matter was finally submitted to me the latter part of September, 1920, by briefs filed by both parties and requests to find.

Upon the evidence I find the following:

That on the 5th day of November, 1918, Frank L. Nolton was elected Sheriff of the County of Steuben, New York, and took office as Sheriff of said County on January 1, 1919, and has been ever since that time, and still is, holding the office of Sheriff of the County of Steuben.

That he appointed as turnkey one Nelson Wilcox. That the said Wilcox took office on the 1st day of January, 1919, as turnkey, and moved with his family in the jail residence connected with the jail proper at Bath, N. Y., where he has ever since said time resided and still is residing. His family consists of his wife and one son, aged about 14 years. That the said Nelson Wilcox received as sole compensation for his services a monthly salary.

That the petitioner, Walter A. Smith, was appointed undersheriff of the County of Steuben, and took said office on January 1, 1919, and continued in office until January 1, 1920.

That in the said jail there were and are two kitchens, one where food is prepared for the prisoners, and a separate kitchen connected with the living quarters occupied by the said Wilcox, which kitchen is separate and distinct from the jail kitchen.

That the County of Steuben employed a cook to take care of the cooking and preparation of food for the prisoners. Food purchased for the jail was placed in the jail storeroom, kitchen and cellar, and none of said food or supplies were supposed to be or could have been removed from said kitchen or jail except for the purpose of providing the prisoners with the same as required.

That in addition to food purchased, there was food supplied from the County Farm which was also the property of the County of Steuben, and for use only for the prisoners.

That the living quarters at the jail, occupied by Nelson Wilcox and his family, were living quarters provided and furnished at the expense of the County of Steuben.

That it was the duty of said Nelson Wilcox, the turnkey, to provide the food supplies for his family use.

That said respondent, Frank L. Nolton, resides now, and has ever since his election to the office of Sheriff of the County of Steuben resided in the City of Hornell, Steuben County, N. Y.

That the jail and court house in the village of Bath, is a distance of 23 miles by highway from the City of Hornell, and a distance of approximately 60 miles by railroad route.

That it was the duty of said Nelson Wilcox as turnkey or jailer to have charge of the jail and make certain records and reports.

That it was the duty of the petitioner, Walter A. Smith, to make certain purchases of jail supplies according to the duties delegated to him by Frank L. Nolton as Sheriff of Steuben County.

That in June, 1919, one Harry Smith was killed in the Town of Hornby, Steuben County, N. Y., and that Walter A. Smith, the petitioner, immediately went to the scene of the murder and arrested one Jady Kelly, who resided near there, upon the accusation of Carrie Smith, the widow of the murdered man, that Jady Kelly had shot and killed her said husband, Harry Smith.

That there came a time when the said Frank L. Nolton, said Sheriff, directed that the petitioner, Walter A. Smith, at that time under-sheriff of the County of Steuben, should not be permitted access to said Jady Kelly, who was confined in the Steuben County jail at Bath charged with the murder of the said Harry Smith, and concealed from him, the said Walter A. Smith, all the proceedings of the investigation into the killing of the said Harry Smith.

That the second Kelly murder trial ended December 22, 1919, and on December 23rd, 1919, said Frank L. Nolton wrote a letter to said Walter A. Smith, the petitioner, in which he requested him to resign as under-sheriff of the County of Steuben.

That the said Walter A. Smith did thereafter resign said office, and his resignation took effect December 31st, 1919.

That thereafter the said petitioner, Walter A. Smith, made a statement with reference to the differences existing between him and the Sheriff's office of the County of Steuben, to Mr. E. M. Waterbury, City Editor of the Corning Evening Leader, and that said statement was published in full in said newspaper.

That said Frank L. Nolton, on or about the 20th day of January, 1920, issued a signed statement relative to his conduct of the sheriff's office, which was printed in the Evening Leader of Corning and portions of which were printed in the Elmira Advertiser, Rochester Democrat and Chronicle, and other papers with wide circulation.

The County of Steuben is divided into three jury districts. It has a court house at Bath, Hornell and Corning. Trial terms of Court are held at all three places. The jail, County Clerk's office, Surrogate's office, and Sheriff's residence connected with the jail, are located at Bath.

The cells and the jail proper are on one side of the jail building, and the residence part on the other.

There is no sheriff's residence at either of the other places, Corning or Hornell.

The County Clerk's office and the Sheriff's office are in separate buildings.

The official court records pertaining to the Supreme and County Courts are kept in the County Clerk's office at Bath, and the records of the Surrogate's office are also kept at Bath.

The office of the Clerk of the Board of Supervisors is located in the same building which is used as a Surrogate's office.

The office of the County Treasurer is also located in the Bath court house.

There are Sheriff's rooms in each of the court houses at Corning and Hornell, but no permanent office except at Bath.

There is no one in attendance at the Corning or Hornell Sheriff's offices except when Court is in session. The Bath office is under charge at all times of the Sheriff's clerk.

The office was changed from the usual fee system by special act of the Legislature April 22nd, 1898, and known as Chapter 445 of the Laws of 1898. A copy of such Act follows:

"CHAP. 445.

"AN ACT to make the office of the sheriff of Steuben county a salaried one, in part, and to regulate the management thereof.

"Became a law April 22, 1898, with the approval of the Governor.
"Passed, three-fifths being present.

"The People of the State of New York, represented in Senate and Assembly, do enact as follows:

"Section 1. Each sheriff of the county of Steuben, hereafter elected or appointed, shall receive as compensation for his services, enumerated in

section four of this act, an annual salary of twenty-five hundred dollars, to be paid monthly by the county treasurer. Said sheriff shall be permitted to occupy free of rent or charge, that part of the jail building together with all outbuildings erected for the sheriff's residence in Bath, in said county.

"Section 2. Each sheriff shall within ten days after he shall receive notice of his election, and before he shall enter upon the discharge of the duties of his office, execute to the people of this state a joint and several bond in the penal sum of fifteen thousand dollars, with two or more sufficient sureties, who shall be freeholders; the conditions of which bond shall be in the form and to the effect following, to wit:

"Whereas, the above bounden ..... was elected to the office of sheriff of the county of Steuben at the general election therein (or at a special election held therein) on the ..... day of ....., 18..; now, therefore, the condition of the above obligation is such, that if the said ..... shall well and faithfully in all things perform and execute the office of sheriff of the said county of Steuben, during his term in the said office, by virtue of said election, without fraud, deceit or oppression, and shall pay over to the treasurer of said county all moneys which shall come into his hands as provided in the act entitled 'An act to make the office of sheriff of Steuben county a salaried office in part, and to regulate the management thereof,' and acts amendatory thereof and supplementary thereto, then the above obligation to be void, otherwise to remain in full force.

"Before the said sheriff shall be deemed qualified to enter upon the discharge of the duties of his office, the said bond shall be approved as to its form and sureties, by a resolution of the board of supervisors of said county, and shall be presented for such approval at the next annual meeting of said board following the election of the said sheriff.

"Section 3. It shall be the duty of the said sheriff to perform all the services which he is or shall be required or authorized by law to perform by virtue of, or by reason of his holding such office.

"Section 4. The said salary so to be paid to the said sheriff shall constitute the whole compensation which shall be paid to or received by said sheriff for the services which he shall perform in his official capacity, in his attendance upon the courts of record held in the county of Steuben, and for all services performed by him for the United States of America, or the state of New York, or the county of Steuben, or chargeable thereto, or which he is or shall be required or authorized by law to perform therefor by virtue of his said office; and no compensation, payment or allowance shall be made in addition to said salary for his own use, for any of such services, except as hereafter allowed.

"Section 5. All fees or allowances of every kind whatsoever which said sheriff, his undersheriff, or deputies, shall be authorized or required to charge or receive for conveying prisoners to state institutions, and for all other services for the United States of America or the state of New York, for which fees are paid or allowances made, including all moneys which shall be paid for the board, custody or care of United States prisoners, shall belong to the county of Steuben, and it shall be the duty of the said officer to collect and receive for said county the full amount allowed by law for all such fees and allowances.

"Section 6. Such sheriff shall keep in his office, in proper books, to be provided for that purpose by the board of supervisors, an exact and true account of all official services mentioned in the last section performed by him, for which he is entitled to receive fees or allowances, and the amount of money received by him on account thereof. Such books shall show when and for whom all of such services shall have been performed and the fees chargeable or allowances receivable therefor, and the amount of money actually received on account thereof. Such books shall, during office hours, be open to the inspection of any person.

"Section 7. The sheriff shall, within five days after the expiration of each calendar month, transmit to the treasurer of the county of Steuben a statement of all services mentioned in the last section, as shall have been performed by him; of the amounts properly chargeable therefor, and the

moneys received by him on account thereof. Such statement shall also contain an account of the moneys actually expended by the sheriff in the performance of said services, which account shall show the purpose for which such expenditure was made and the amount of each separate item so expended. Such statement shall be verified by the affidavit of the sheriff or the person receiving said money, or making said expenditure, to the effect that the said statement is in all respects correct and true; that the said services were actually performed; that the moneys therein charged were actually received, and the expenses stated to have been made were actually made for the purposes therein mentioned. The affidavit shall be positive and not upon information and belief. The said sheriff at the time of rendering the said account shall pay the su mof money so received by him, to the treasurer of the county of Steuben. The said sheriff, at the time of delivering to the said treasurer, the statement aforesaid, shall deliver two duplicates thereof to the clerk of the board of supervisors, together with the affidavit attached. Said clerk shall forthwith examine said statement and shall, within five days after having received the same, attach thereto his certificate, certifying what amounts thereof he finds correct and shall return the same so certified to the said sheriff. The duplicate so remaining in the hands of the said clerk shall be filed in his office. Upon presentation of the said statement with the clerk's said certificate attached, the county treasurer shall pay to said sheriff the amount certified by said clerk to be correct. In case any portion of the account rendered by the said sheriff, in any month, is not allowed and certified by said clerk, the same may be presented by the sheriff for audit, to the board of supervisors at their next meeting, and the amount allowed therefor shall be paid as other county charges.

"Section 8. The jail of the county shall be kept by the sheriff of the county, as now required by law. All furniture, implements, materials, food and supplies of whatever nature necessary for the custody and maintenance of the prisoners detained within the jail, shall be furnished by the county of Steuben. All such articles shall be purchased by the sheriff. He shall keep a correct and itemized account thereof in the books to be provided for that purpose by the board of supervisors of said county. Each item of said account shall specify the date at which it was expended, to whom it was paid, the place where paid, and for what, and the amount thereof; within five days after the end of each month the sheriff shall present to the clerk of the board of supervisors a written statement in detail of all his expenses for the above purposes for such month. Such statement shall contain a copy of the account kept in the sheriff's books, as above provided. Such statement shall be made in duplicate. To one of said duplicates there shall be attached vouchers for each of the payments therein stated to have been made, if said payment exceeds five dollars in amount. If any of such payments is less than five dollars, it may be proved by the affidavit of the person making such payment that the amount so charged was actually paid as therein charged; but the whole amount of payments so proved by affidavits, without vouchers, in any one month shall not exceed fifty dollars. Each of said statements shall be verified by the affidavit of the person making the payment, to the effect that the said payments were actually made for the purpose therein specified at the time and to the person therein mentioned. Such affidavit shall be positive and not upon information and belief. The clerk of the board of supervisors shall forthwith examine said statement, and shall within five days after having received the same attach to one of said statements his certificate certifying what amount thereof he finds correct and shall return to the said sheriff such statement with his certificate attached. The statement to which the vouchers are attached shall be filed by said clerk and kept in his office. Upon presentation of the statement to which the clerk's certificate is attached, the county treasurer shall pay to said sheriff the amount certified by said clerk to be correct. In case any portion of the account rendered by said sheriff in any month, is not allowed and certified by said clerk, the same may be presented by the sheriff for audit to the board of supervisors at their next meeting, and the amount allowed therefor shall be paid as any other county charges.

"Section 9. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of the duties, designated in section four, or in performing any service for which the county received, or is entitled to receive, the fees therefor under this act, which said disbursements shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed.

"Section 10. In addition to the salary specified in section one of this act, the sheriff of Steuben county is authorized and entitled to charge and receive the fees now allowed by law to sheriffs in civil causes and proceedings, and for the services of the undersheriff and deputy sheriffs, in such causes and proceedings.

"Section 11. The said sheriff may appoint an undersheriff, a sheriff's clerk, a jailer, and such other attendants for the jail or prisoners as shall be prescribed by the board of supervisors of the said county from time to time. The said sheriff shall appoint such number of deputy sheriffs for said county as he shall deem necessary and may remove any of them at any time. The said sheriff shall be responsible for the official acts of the said undersheriff, sheriff's clerk, deputy sheriffs, jailer and attendants. The board of supervisors shall, by resolution at the annual session of said board, fix the salary or compensation of the said undersheriff, sheriff's clerk, jailer and other attendants for the jail or prisoners, which shall be paid monthly by the county treasurer. The deputy sheriffs aforesaid shall have and receive as their sole compensation for all services rendered by them for the county, the state of New York, and the United States, one-half of the fees now prescribed by law for like services. Each deputy thereof shall be reimbursed by the county for so much of his disbursements as such deputy sheriff, as are now a legal charge against the said county for like services, and shall present an itemized bill therefor and for his services so rendered, verified as now required by law, to the board of supervisors at its annual meeting in each year, and the said board shall audit and allow the same as now provided by law. He shall account for and pay over to the treasurer of Steuben county all fees, emoluments and moneys received by him for services rendered as such deputy sheriff in the discharge of the aforesaid duties.

"Section 12. The sheriff shall require bonds, subject to his approval, to secure him for the faithful performance of the duties and accounting for all fees, perquisites and emoluments. All sums of money to be paid by and under the provisions of this act, shall be raised by taxation as the other county expenses are raised.

"Section 13. Nothing in this act shall be so construed as to affect the present sheriff during his term of office.

"Section 14. This act shall take effect immediately."

The sheriff is permitted under the act to occupy the jail residence if he wishes. There is nothing mandatory in the act as to the sheriff's residence, the language of the same being as follows: "Said sheriff shall be permitted free of rent or charge that part of the jail building, together with outbuildings erected for the sheriff's residence in Bath in said county."

The act designates the officers the Sheriff may appoint, but leaves the amount of their salary to be determined by the board of supervisors.

Shortly after the act was passed a committee of the board of supervisors was appointed to provide for the operation of the sheriff's office under the terms of the act. This report is a part of the record in this proceeding.

The predecessor of the present sheriff was Frank O. Gay of Bath, N. Y.; the sheriff preceding him was William Murray of Hornell, N. Y. During Mr. Gay's term of office the jail residence was occupied by Robert Robinson, the then under-sheriff.

That Nelson Wilcox, the turnkey at the Bath jail, at various times during the year 1919 took and appropriated for his own use various quantities of food belonging to the county of Steuben, consisting of milk, sugar, coffee and potatoes, as the evidence discloses both from the testimony of the petitioner, Walter A. Smith, and others as well as by admissions of the said Wilcox. That this fact was well known at the time or times to the said under-sheriff, Walter A. Smith, who boarded with said Wilcox at the jail during such

periods; and that Sheriff Nolton also knew of it at least in November or December, when he spoke to said Wilcox regarding the same.

That the respondent, the said Frank L. Nolton, so far as the evidence discloses, is not unfit morally to occupy the office of sheriff of the county of Steuben.

That the said respondent, Frank L. Nolton, did not with full knowledge and consent allow and permit Nelson Wilcox, as turnkey, to insult a woman visitor at the Bath jail, and did not have any knowledge of such alleged conduct at the time; that upon being informed of the matter, by the woman in question, by letter, he immediately communicated with said Wilcox regarding the same. The evidence regarding this incident does not show it to have been a very serious matter.

That Leon Leo was on the 4th day of March, 1919, committed by the acting recorder of the city of Hornell, N. Y., to the Bath jail for a period of 60 days; that he commenced his sentence on the 4th day of March, and on April 16th, 1919, before the expiration of his said sentence, he was permitted to return to the city of Hornell to see his father who was sick; that on the 19th day of April, 1919, he was again committed by the recorder of the city of Hornell for a period of 30 days, so that it appears from the evidence that he was re-committed to jail on a new sentence before the original sentence had expired. That this prisoner was known as a trusty around the jail. That Sheriff Nolton told Mr. Brooks, a guard at the Bath jail, to let the said Leo come to Hornell to see his father and to report to him, the sheriff, while there. That Leo got drunk the same night he arrived in Hornell and was resentenced to the Bath jail. The action in this case on the part of the sheriff calls for criticism, and while it is no legal excuse therefor it may be in part mitigated by the fact that the prisoner's father at the time was very sick and kept calling for him, so that the sheriff's relaxation of strict prison methods may be due to his kindness of heart in the case.

That there is now in the Bath jail a cell known as the "hungry cell," where prisoners are placed for jail infractions, or who are troublesome or disobedient, and put on bread and water for periods ranging from 24 hours to two or three days and nights. There is no furniture in this cell; it is perfectly bare, with a steel floor and iron bars; nothing provided for it but a slop pail; it is about five by seven feet in dimensions and is within another cell, being a cell within a cell so to speak. It is described by the under-sheriff, the petitioner herein, in a letter to the sheriff, referring to a prisoner about to be placed by him, the said under-sheriff, there, as follows: "I am going to give him 48 hours solitary on the hard iron floor cell, and bread and water, to teach him humility and sort of put the fear of God in him." This cell, it appears, has existed in the jail for considerable time and was not originated by the present sheriff. I am of the opinion that it should be discontinued; that such inhuman methods of punishment for criminals is a relic of the past ages and should be abolished.

CONCLUSIONS

From the foregoing findings, and from a consideration of all the evidence, I conclude and report that the charges have not been sustained.

The charges made by the petitioner, Walter A. Smith, are set forth at considerable length in the petition or complaint, and in substance his charges and my conclusions thereon are as follows:

The complaint charges that the respondent, Frank L. Nolton, has never moved into the residence in the jail at Bath provided for him as sheriff by the county of Steuben, and has never occupied his office as sheriff at the court house in the village of Bath, N. Y.

The record discloses that the first charge is true, but from an examination of the special act of the Legislature governing the sheriff's office in the county of Steuben, which act is hereinbefore set out in full, I am of the opinion that the sheriff was not legally required to occupy the residence at the Bath jail; that the provisions regarding the sheriff's residence at the jail was permissive only, not mandatory. If it may be proper for me so to do, however, I would recommend that some suitable action be taken

without delay, either by the board of supervisors, or by the Legislature if necessary, requiring the incumbent of the sheriff's office in Steuben county to take up his residence in the quarters provided for him at the jail immediately on assuming office, and be compelled to reside there during his term of office. I do not believe the best results can be obtained or officient service rendered the public by a sheriff who visits the jail only intermittently during his term, leaving the work committed to him largely to others to perform. Before doing this, however, I would further suggest that complete renovation be had both in the sheriff's quarters and in the jail proper, as it appeared at the time I inspected it in April in a very unwholesome condition, at least so far as the jail was concerned. At said time, however, some repairs were being made to the plumbing fixtures, which may have accounted for some of the uncleanliness then apparent in the jail.

As to the other charge that the respondent did not occupy his office as sheriff in the court house at Bath, it was not sustained by the evidence, it appearing that he frequently visited the office at Bath and conferred with the clerk in charge of the same.

Another charge of the complaint is to the effect that the said Frank L. Nolton has not conducted the office of sheriff in a prudent, careful and honest manner; that he has been guilty of gross neglect of duty and incompetency. I do not find that this charge has been sustained by the evidence.

Another charge is made that he permitted Nelson Wilcox, the turnkey at the jail, to appropriate to his own use large quantities of food belonging to the county of Steuben, and that this state of affairs had been allowed to continue with the knowledge and consent of the said respondent for a long period of time. There is considerable contention in this charge, as it appears from the evidence that the said Wilcox did so appropriate and use foodstuff belonging to the county; that the attention of the sheriff had been called to it in the latter part of the year 1919, according to the testimony of Wilcox himself, who said the sheriff spoke to him about it in November or December of that year. This is, perhaps, the most serious charge of the complaint, but I do not think it serious enough, however, to recommend the removal of the sheriff as it does not appear to have been done with his knowledge, and there is no evidence to show that the practice continued after his taking up the matter with the turnkey. Then the undersheriff, Walter A. Smith, the petitioner herein, knew of this practice and he allowed it to continue. He claims that he had told the sheriff of it at various times during the year, which statement is absolutely denied by the sheriff and that the first notice he had of it was the latter part of the year 1919, at the time he called the matter to the attention of the turnkey.

The sheriff may also be subject to some criticism in that such a state of affairs had existed at the jail without his knowledge, which was the undoubted result of his not living at the jail and keeping in close daily touch with affairs there.

The charge that Wilcox improperly and indecently treated visitors at the jail on several occasions, with the knowledge and consent of the said Nolton, is not sustained by the evidence.

The charge that said Nolton has been since taking office under the influence of one John W. Hollis, an attorney of Hornell, N. Y., has no serious aspect and is not sustained by the evidence, although it does appear that Mr. Hollis has acted as his attorney.

The charge that the said Frank L. Nolton wrongfully made charges against and collected moneys from the county of Steuben for personal expenses and disbursements, and appropriated the same to his own use, is sought to be maintained by the fact that early in Nolton's term of office it appears from the evidence that he presented a bill of $70.00 against the county for personal expenses in attending court at Hornell, being for 20 days' attendance at $3.50 per day. The bill was audited and paid to said Nolton. Later it appears from the petitioner, the said Walter A. Smith, in April, 1919, he learned that he was not legally entitled to charge for expenses attending court in Hornell where he lived, and he then endeavored to recover the bill and return the money, but the clerk of the board of supervisors, Mr. Havens, informed him that this could not be done excepting through the action of

the committee on audit and reaudit of the board of supervisors, which said committee did not meet for some time thereafter. The matter was finally adjusted and taken care of by such committee and the money refunded by the sheriff to the county. I am of the opinion that the sheriff presented the claim in good faith, believing that he was entitled to make the charge, and that he did not maliciously intend to wrong the county or to present a wrongful claim knowing the same to be illegal.

From the foregoing facts found, and from all the evidence and foregoing conclusions, I find that Frank L. Nolton was not guilty of such misconduct which demonstrates that he is unfit to hold the office of sheriff of the county of Steuben, and I recommend and report that the charges have not been sustained and that said charges should be dismissed.

All of which is respectfully submitted.

JOHN J. IRVING,
Commissioner.

Dated, Binghamton, N. Y., December 29, 1920.

ORDER DISMISSING CHARGES

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of Charges Against Frank L. Nolton, Sheriff of Steuben County, New York

Charges having been presented by Walter A. Smith against Frank L. Nolton, Sheriff of the County of Steuben, and the said Frank L. Nolton having made answer thereto, and John J. Irving, Esq., having been appointed by me a Commissioner to take evidence as to the truth of said charges, and to make a report, and the said Commissioner having taken the evidence and having made his report recommending that said charges be dismissed,

NOW, THEREFORE, After consideration of said charges and the evidence presented pertinent thereto, and the report of the Commissioner recommending the dismissal thereof, the said charges, upon the said report of the Commissioner, are hereby dismissed.

Dated Albany, N. Y., December 31, 1920.

(Signed) ALFRED E. SMITH.

Charges Against William A. Wheeler, District Attorney, Livingston County

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of Charges Against William A. Wheeler, District Attorney of Livingston County, New York

NOTICE AND SUMMONS

To WILLIAM A. WHEELER, *District Attorney of Livingston County, New York:*

You are hereby notified that charges have been preferred against you and that your removal from the office of District Attorney of the County of Livingston County thereon has been asked by William McNamara and Mary A. McNamara.

A copy of said charges is herewith served upon you.

I hereby fix the twenty-fifth day of June, 1920, at noon, as the date on or before which your answer to such charges shall be filed

with me, at the Executive Chamber, Capitol Building, in the City of Albany, N. Y.

You are further notified that on said twenty-fifth day of June, 1920, or on such later day or days as may be appointed by me, you will be afforded an opportunity of being heard in your defense.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Privy Seal of the State, at the Capitol in the [L. S.] City of Albany, this tenth day of June, in the year of our Lord one thousand nine hundred and twenty.

(Signed) HARRY C. WALKER,
Lieutenant Governor and Acting Governor.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

ORDER DISMISSING CHARGES

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of the Charges Filed by William and Mary A. McNamara Against William A. Wheeler, District Attorney of Livingston County

After a careful consideration of the charges, and after a reading of the answer of the District Attorney, I have come to the conclusion that the District Attorney performed his full duty, and I therefore dismiss the charges.

(Signed) ALFRED E. SMITH.

Dated Albany, N. Y., November 8, 1920.

Charges Against Archibald M. Laidlaw, District Attorney, Cattaraugus County

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of Charges Against Archibald M. Laidlaw, District Attorney of Cattaraugus County, New York

NOTICE AND SUMMONS

TO ARCHIBALD M. LAIDLAW, *District Attorney of the County of Cattaraugus, New York:*

You are hereby notified that charges have been preferred against you and your removal from the office of District Attorney of the County of Cattaraugus thereon has been asked by Harvey A. Brown, D. E. Deming, H. E. Butts and D. C. Deming.

A copy of said charges is herewith served upon you.

I hereby fix the fourth day of December, 1920, at noon, as the date on which your answer to said charges shall be filed with me at the Executive Chamber, Capitol Building, in the City of Albany; and you are further notified that on said fourth day of December,

1920, or on such later day or days as may be appointed by me, you will be afforded an opportunity of being heard in your defense.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Privy Seal of the State at the Capitol in the [L. S.] City of Albany, this twenty-third day of November, in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

NOTE: On request, the Governor extended the date set for hearing and this fact precluded final action during the current year.

Charges Against Raymond T. Mallery, Sheriff of Cattaraugus County

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of Charges Against Raymond T. Mallery, Sheriff of Cattaraugus County, New York

NOTICE AND SUMMONS

To RAYMOND T. MALLERY, *Sheriff of the County of Cattaraugus, New York:*

You are hereby notified that charges have been preferred against you and that your removal from the office of Sheriff of the County of Cattaraugus thereon has been asked by Harvey A. Brown, D. E. Deming, H. E. Butts and D. C. Deming.

A copy of said charges is herewith served upon you.

I hereby fix the fourth day of December, 1920, at noon, as the date on which your answer to said charges shall be filed with me at the Executive Chamber, Capitol Building, in the City of Albany; and you are further notified that on said fourth day of December, 1920, or on such later day or days as may be appointed by me, you will be afforded an opportunity of being heard in your defense.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Privy Seal of the State at the Capitol in the [L. S.] City of Albany, this twenty-third day of November, in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:
JEREMIAH F. CONNOR,
Secretary to the Governor.

NOTE: On request, the Governor extended the date set for hearing and this fact precluded final action during the current year.

Charges Against William J. Beyer and Frank J. Schmidt, Election Commissioners of the County of Erie

NOTE: No formal Notice and Summons was issued, but the Election Commissoners were given a copy of the charges and directed to file answer.

ORDER DISMISSING CHARGES

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of the Charges Filed by John H. Waggoner and Alice Towner Waggoner Against William J. Beyer and Frank J. Schmidt, Election Commissioners of the County of Erie

After a careful consideration of the charges and of the answers and affidavits filed by these officials, I have come to the conclusion that the election officials were justified in refusing to permit photographic copies to be taken of records in their office, and that they acted in good faith upon the advice of the County Attorney of Erie County. I therefore dismiss the charges.

(Signed) ALFRED E. SMITH.

Dated Albany, N. Y., November 8, 1920.

Charges Against George N. Hembdt, Sheriff of Sullivan County

NOTE: No formal Notice and Summons was issued, but the Sheriff was given a copy of the charges and directed to file answer.

ORDER DISMISSING CHARGES

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of the Charges Filed by David Paris Against George N. Hembdt, Sheriff of Sullivan County

After a careful consideration of the charges, I have been advised and have come to the conclusion, that if the Sheriff was derelict in his duty, there is a perfect remedy at law against the Sheriff and his bondsmen.

I do not consider the charges of sufficient importance to require an examination by a Commissioner, and I therefore dismiss the same.

(Signed) ALFRED E. SMITH.

Dated Albany, N. Y., November 8, 1920.

Charges Against William F. Love, District Attorney of Monroe County

NOTE: No formal Notice and Summons was issued, but the District Attorney was given a copy of the charges and directed to file answer.

ORDER DISMISSING CHARGES

STATE OF NEW YORK — EXECUTIVE CHAMBER

In the Matter of the Charges Filed by May Guernsey Against William F. Love, District Attorney of Monroe County

After a careful consideration of the charges and the answer filed by the District Attorney, I have come to the conclusion that the

District Attorney performed his full duty in this matter, and I therefore dismiss the charges.

(Signed) ALFRED E. SMITH.

Dated Albany, N. Y., November 8, 1920.

Investigation of the Management and Affairs of the Western House of Refuge for Women at Albion

NOTE: The Governor requested John S. Kennedy, Chairman of the State Prison Commission, following his investigation of Bedford Reformatory, to make a thorough investigation of the affairs and management of the Western House of Refuge for Women at Albion. The Governor expressed his dissatisfaction with the report of the Legislative Committee as not being comprehensive or conclusive.

REPORT OF COMMISSIONER KENNEDY

MAY 15, 1920.

To the Governor of the State of New York:

In accordance with your request of March 26, 1920, I visited the Western House of Refuge at Albion on April 5th, having previously given notice to the board of managers and the superintendent to be at the institution at that time.

There were present three members of the board — Mrs. Pearl S. Elias, Dr. John Dugan and Dwight S. Beckwith — and the superintendent, Mrs. Flora P. Daniels. Monsignor John L. Reilly was unavoidably absent and Miss Elsie Voorhees Jones telegraphed that she was detained on business in New York. Mrs. Christina L'Hommedieu telephoned that she was unable to attend. The remaining member of the board of managers, Mrs. Caroline H. Bliss, has, it was stated, tendered you her resignation. There was before me the evidence taken by the Attorney-General and the Joint Committee of the Legislature as well as certain correspondence directed to the Governor, protesting against the removal of employees.

In answer to the question as to what employees had been requested to resign, the statement was made that the superintendent was instructed by the board of managers to ask for the resignations of Miss Mary E. Connor, marshal; Miss Margaret Harrington, matron; Andrew M. Hall, coachman; and James P. Chase, farmer. The resignations of Misses Connor and Harrington and Mr. Chase had already been asked for, but that of Mr. Hall had not as yet been requested. Mr. Chase has left the institution and a new appointment made in his place. Misses Connor and Harrington and Mr. Hall were still in service, no action having been taken at the request of Monsignor Reilly.

The attention of those present was called to that portion of the report of the Legislative Committee which recently investigated the institution, as follows:

> "Many of the former employees were examined at the hearing and the committee feels after hearing their testimony that the unpleasant feeling that grew up between the superintendent and the employees was due to the fact that Mrs. Daniels inaugurated more liberal and progressive ideas as to the conduct of the institution than had existed under the former superintendent, Miss Curtin, and furthermore, because she lacked tact and temperament to secure at the outset the co-operation and loyalty of her subordinates. At the time of the inquiry, this feeling had subsided and the superintendent and the civil employees are now working in harmony."

Your commissioner also remarked that it was his understanding that, when the four members of the board of managers — Monsignor Reilly, Mrs. Elias, Mr. Beckwith and Miss Jones — and the superintendent, called upon the Governor, he was assured that the situation as to the relations of superintendent and employees was as outlined in the report of the committee.

In answer to the question as to when the action authorizing the dismissal of the four employees was taken, it was stated that three members of the board — Monsignor Reilly, Mrs. Elias and Miss Jones — had so decided at a meeting held at Albion on March 9th and that, while waiting in the Executive Chamber for a conference with the Governor at Albany on March 11th, two days following, a meeting was held, which was attended by Monsignor Reilly, Mrs. Elias, Miss Jones and Mr. Beckwith, at which Mrs. Daniels was authorized to ask for the resignations by a quorum of the managers. Without attempting to pass upon the capability or worthiness of the employees to be retained, those present were asked if they had not made a serious error of judgment in taking such action, in view of the stated opinion of the Legislative Committee and the impression given the Governor on their visit. The question was also raised as to whether the special meeting was a legal one, inasmuch as it had not been regularly called and the remaining three members of the board had not been notified. The reply of Mrs. Daniels, agreed to by Mrs. Elias and Mr. Beckwith, was to the effect that possibly the March 11th meeting might have been irregular but it would be impossible to continue the services of Misses Connor and Harrington and Mr. Hall in view of their testimony before the Attorney-General and, later, before the Legislative Committee, the assertion being made that the testimony of all three was full of falsehoods and injustice to the institution. In regard to requesting the resignation of the farmer, it was stated that, in order to retain a capable stewardess, it was necessary to hire her husband as farmer for the institution. The members of the board present, at the request of your commissioner, made a promise that the three employees — Misses Connor and Harrington and Mr. Hall — should not be disturbed until the Governor had completed his appointments to the board, when the entire question of their retention or discharge from service should be taken up by the board as reorganized. This promise was confirmed at a regular meeting of the board of managers at Albion on April 13, 1920.

The present force of employees at this institution is fifty-six. The records of the State Civil Service Commission show that, since Mrs. Daniels became superintendent in February, 1916, to April 1, 1920, there have been two hundred and ten appointments to the institution, three removals and one hundred and forty-five resignations. Very few of the employees who were there at the time Mrs. Daniels came are now employed. She stated that prior to the call for resignations now requested, she had only forced the resignation of six employees and that the balance of the resignations were due to securing other and better positions and the desire to give up this class of work. As to the three employees now under discussion, Mrs. Daniels insisted that she had desired to get rid of them a long time ago, because of incompetency and lack of loyalty, but had deferred taking action during the pendency of the investigations by the Attorney-General and the Legislative Committee.

Mrs. Elias and Mr. Beckwith, who attended the meeting, seem to be in entire accord and fully back up the position taken by Mrs. Daniels. Dr. Dugan, the other member, is, without question, opposed to the superintendent and her policies.

Miss Jones conferred with your commissioner since the conference. She is now located in New York but will return to Rochester May first and says that she desires to continue on the board of managers and will be able to devote the necessary time to it.

Section 50 of the State Charities Law reads as follows:

> "Managers or trustees who fail to attend the meetings of their respective boards or fail to make such visitations for three successive months, shall be deemed to have vacated their membership in such boards of managers or trustees whereupon the Governor shall fill the vacancies so created as provided by law, unless the absence of such managers or trustees shall be excused by the Governor."

The records of the various members in attendance at regular meetings is as follows:

Monsignor John L. Reilly — Term expires 1923. No absences 1918 or 1919.

Dwight S. Beckwith — Term expires 1922. Absent, August, 1918, May, July, August and September, 1919.

Mrs. Caroline H. Bliss — Term expires 1920. Absent 8 out of 11 meetings in 1918, and 10 out of 11 meetings in 1919. (Absent on war work.) Resignation in hands of Governor.

Dr. John Dugan — Term expires 1921. No absences in 1918. Absent 8 out of 11 meetings in 1919 — January, March, April, June, July, August, October and November.

Mrs. Pearl S. Elias — Now before Senate for confirmation. Absent 1 out of 11 meetings in 1918, and 1 out of 11 meetings in 1919.

Mrs. Christina L. L'Hommedieu — Term expires 1925. Absent 4 out of 7 meetings in 1918 — May, June, July and November. Absent 9 out of 11 meetings in 1919 — January, April, May, June, July, August, September, October and November. (Appointed April 12, 1918.)

Miss Elsie V. Jones — Term expires 1924. Absent 6 out of 11 meetings in 1918 — January, February, March, June, July and November. Absent 2 out of 11 meetings in 1919 — January and August.

A quorum was present at all meetings in 1918, but, at three meetings, there were only four members in attendance.

During 1919, no quorum was present in January, July, August, September or December, and only a bare quorum at five meetings; at only one meeting was there a full attendance.

It will be seen that, under the statute, Mr. Beckwith, Dr. Dugan, Mrs. Bliss, Mrs. L'Hommedieu and Miss Jones have, during the past two years, "vacated their membership" on the board of managers.

The board has not elected a president and the present secretary and treasurer are holding over from last year. The board has selected Monsignor Reilly as executive member and, in this capacity, he acts in parole and discharge cases, a function which, under the law, lies only with the board of managers, and raises the question of the legality of these acts.

The present treasurer, Dr. Dugan, whom the secretary, Mrs. Elias, contends has no right to vote in the board, continues to hold and disburse the moneys of the institution, running into large sums. In his testimony before the Legislative Committee, Dr. Dugan said that the whole board should resign, although at the conference he expressed a desire to continue. He stated that he had become disgusted at the conduct of meetings because of quibbling and desire of the superintendent to be rid of employees and the board was entirely subservient to the superintendent.

Miss Jones testified, too, that the entire board should be removed but now says she is willing to serve but thinks perhaps it would be best to have an entirely new board.

No reply has been received to a letter sent to Monsignor Reilly giving him an opportunity to state his opinions before this report is submitted.

Mrs. L'Hommedieu sent word through her husband that she would gladly send in her resignation if the entire board were asked to retire.

Without attempting to pass upon the fitness or unfitness of the three civil service employees recommended for dismissal by the superintendent, the four members of the board certainly exercised poor judgment and discretion in approving such recommendation so quickly following the report of the Legislative Investigating Committee and immediately preceding their visit to the Governor. With the frank admission that this was done at this time because of testimony given by them before a committee of the State Legislature, and, previously, before the Attorney-General, and not on definite charges of incompetency or unfitness, the action cannot fail of condemnation. Employees of State institutions should not be removed solely because of testimony given on investigations of duly authorized State officers or committees of the Legislature, and are entitled to the protection of the State when required to resign. As a matter of fact, official information is at hand that they did not seek the opportunity to testify but were sought out by the Attorney-General's deputy and subpoenaed before the Legislative Committee. All three have been in service during the more than four years Mrs. Daniels has been at Albion and it would seem that, if unfit, it should have been discovered prior to the existing situation.

Miss Connor has been at Albion since 1902 and had previous experence at Willard State Hospital for sixteen years.

Miss Harrington has been at the institution for eight years and Mr. Hall, who is sixty-nine years of age, has been there five years.

Having in mind the chaotic conditions existing in the board of managers for the past two years and, with a full appreciation of the constant and devoted service of at least three members, who, however, have been unable to bring about such a condition as would enable the board to function as contemplated by the statute, it is apparent that the best interests of the State and the institution call for the retirement of the entire board of managers and the appointment of a new board.

If such a plan meets with the approval of the Governor, it is recommended that the selections be made from throughout the judicial districts from which commitments are made, rather than from close proximity to the institution, which here, as in other institutions, has resulted in the injection of too many local disputes.

The law requires the appointment of a physician of ten years' practice. It would be most desirable if such appointment could be a psychiatrist or one skilled in mental diseases, because of the problems of mental defectiveness acknowledged to be existent here. It would be desirable that a member be appointed from Albion to act as treasurer for the convenience of the institution and its staff.

The new, or re-organized, board should study the testimony taken during the two investigations referred to and proceed to inquire into the charges contained therein. They should take up and consider the cases of employees whose resignations were asked for and pass upon their cases solely on their merits. The board should also inquire into the matter of mental examination of inmates, which has been neglected through no fault of the institution but because of lack of qualified examiners, and look into the possible need of segregating the low grade feeble-minded.

As to the fitness of the superintendent or her conduct of the institution, your commissioner made no investigation and offers no opinion. This question would naturally be the first to occupy the attention of a new board of managers.

To function properly, the board should be most careful to select a capable and forceful chairman, one who would be interested in the work and willing to devote the necessary time to it.

The situation at Albion again shows the failure of some unpaid boards of managers to successfully carry out the duties imposed upon them by law and is another forceful argument for making such institutions directly responsible to a Department of Correction or other every-day functioning State department.

Respectfully submitted,
(Signed) J. S. KENNEDY,
Commissioner.

Investigation of the Department of Farms and Markets

NOTE: The Governor again communicates with William A. Dana, President of the Council of Farms and Markets, asking that consideration as promised by the Council be given to the Report of Commissioner George Gordon Battle.

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *January* 14, 1920.

HONORABLE WILLIAM A. DANA, *President, State Council of Farms and Markets, Albany, N. Y.:*

Dear Sir.— On October 17, 1919, on behalf of the Council of Farms and Markets, you wrote to me stating that the Council would investigate the preliminary report of Commissioner George Gordon Battle, and my recommendation that you dismiss at once Commis-

sioner Porter, when "there had been transmitted to the Council Commissioner Battle's final report, together with copy of all the evidence and exhibits taken before him in his investigation of this department."

On December 22nd, the investigation having been completed and the final report of the Commissioner having been received by me, my Secretary transmitted to your Body copies of such final report. The evidence and exhibits were not forwarded to you at that time because they had not yet been received at the Executive Chamber.

I am now in receipt of your letter of January 6th, in which you ask for all the evidence and exhibits taken during the investigation. I am having sent by messenger to you with this letter the original copies of all the evidence taken in the investigation, consisting of six volumes, and twenty-six hundred eighty-six pages of evidence.

There are several hundred exhibits referred to in the course of the evidence. Commissioner Battle is sending you by express today all of the original exhibits in his possession. The balance of the exhibits are letters, records and documents from the files of the Council of Farms and Markets, and these have been returned to your files, where they are accessible to you.

Your letter of January 6th assures me that this matter will have the full consideration of the Council. I trust that the Council will at once apply itself to a consideration of this evidence and to a study of the exhibits, to the end that they may make, during the early days of the Legislature, a report and a determination as to their course of action upon the recommendations. The recommendations of Commissioner Battle are definite and an analysis of the evidence upon which they are founded is set forth very fully in his report which, in itself, consists of 144 printed pages.

The public interest demands an early determination on the part of the Council of its stand on this most important matter. When a commissioner of the standing of Mr. Battle sets forth a definite recommendation of the dismissal of the two executive heads of your department, and specifies the exact grounds showing their inefficiency and incompetency for their positions, it would seem that due regard for such public opinion would compel the speedy determination by your Council of the issue.

The charges against Commissioner Porter have been before your body almost four months. You and other members of the Council were personally examined before the Commissioner and must necessarily know the evidence taken before him and upon which his report is founded. The people of the State will be impatient for an answer to these charges, and any unnecessary delay in the examination and determination of this matter will tend to further decrease public confidence in your department.

Very truly yours,

(Signed) ALFRED E. SMITH.

REPLY OF PRESIDENT DANA

NEW YORK STATE COUNCIL OF FARMS AND MARKETS

AGRICULTURAL HALL, ALBANY, N. Y.

AVON, N. Y., *January* 17, 1920.

HON. ALFRED E. SMITH, *Executive Chamber, Albany, N. Y.:*

SIR.— This will acknowledge receipt of your letter of recent date. The entire matter will be laid before the Council at its meeting on January 22nd.

Yours very truly,

(Signed) WM. E. DANA,

President of the Council of Farms and Markets.

NOTES The Report of Commissioner Battle and correspondence between the Governor and the Council of Farms and Markets is contained in section X of the Public Papers of 1919.

Report of the Governor's Labor Board Appointed September 25, 1919, Following the Conference on Industrial Conditions in the State

December 1, 1920.

In a communication from Hon. Abram I. Elkus, Chairman of the Reconstruction Commission, sent under date of August 20, 1919, the attention of the Governor was called to what was a period of most unusual unrest, which the State was undergoing at that time.

New York City had passed through two traffic strikes, the building industry was thoroughly disorganized by industrial disturbance and there were a number of unusually severe strikes, some of them involving loss of life in upstate cities.

The communication of the Chairman of the Reconstruction Commission suggested that it was essential that some policy be adopted that would keep "the wheels of industry moving" and recommended that the Governor call immediately a state-wide conference of representative employers, workers and public-spirited men and women in order to endeavor to prevent strikes, if possible. The conference was called by the Governor on September 16, 1919, in the Executive Chamber.

As the result of a thorough discussion of the situation, it was the sense of the meeting that the emergency was such as to warrant the creation of an emergency body, composed of representatives of employers, workers and the public, who would assist in tiding the State through a difficult period of readjustment of its industries to after-war conditions and would aid in making this transition by creating a public opinion against strikes and in mediating and arbitrating them so far as possible.

A full report of the proceedings of this conference was published.

As a result of the meeting a motion was offered and passed that such a Board be created and appointed by the Governor from lists submitted by representative associations of employers and labor organizations.

As representatives of the public, the Governor designated:

Lieutenant-Governor Harry C. Walker of Binghamton.
Adjutant-General Charles White Berry of Brooklyn.
Edward S. Walsh, Superintendent of Public Works of the State of New York, of Brooklyn.

Representing employers:

W. D. Baldwin, President Otis Elevator Company, Yonkers.
Saul Singer, representing the needle industries of the State, New York City.
Edward J. Barcalo, President Barcalo Manufacturing Company, Buffalo.

Representing labor:

James P. Holland, President State Federation of Labor.
T. M. Guerin, Vice-President State Federation of Labor.
Hugh Frayne, National Organizer American Federation of Labor.

The Board organized immediately after their appointment and requested Mrs. Henry Moskowitz to act as their Secretary. Later Mr. Bernard L. Shientag was appointed counsel to the Board.

The group was then known as the Governor's Labor Board and was called into consultation with the Governor in various industrial disputes that were brought to his attention.

Immediately after their appointment the Board was called together to consider the case of the striking hat makers at Beacon, N. Y. Employers and workers were called to the Executive Chamber and an exhaustive investigation was made into the situation. Further meetings were held with representatives of the Labor Board in New York City in which an endeavor was made to bring both sides in this controversy together. During the course of this strike there had been numerous reports to the Governor of violence and intimidation on the part of the Union, in fact, application had several times been made for the use of the State Police in keeping order. The Governor's Labor Board refused to mediate unless the Union promised that all such activities on their part immediately cease. The Board succeeded in setting aside some of the minor differences and in the instance of one manufacturer brought both sides together and re-established work in that factory.

It was the recognized principle of the Governor's Labor Board that no mediations or arbitrations should be begun in the case of a strike until the workers had returned to their work. The Board also felt that it could work by the delegation of its powers to the various members of the Board so that at times three members of the Board sat and at others more, and occasionally special appointments were made to serve a particular situation.

Following the strike at Beacon, a number of mediations were brought to the Labor Board, including the cases of the hard rubber workers in the fountain pen industry, journeymen tailors, and picture frame workers whose case was successfully arbitrated and the strike ended. An investigation was made into the laundry strike then in progress in New York and efforts made to bring both sides together.

Later the Board took up the final mediation in the millinery strike of New York City and this was successfully arbitrated.

In October, 1919, there was a tie-up caused by a strike of the teamsters driving the American Railway Express wagons. This was so serious that it involved most of the large cities in the country and was the cause of placing a freight embargo on New York City. The Governor's attention was called to the situation by the Labor Board and the fact that it was due to a delay in a wage rate decision by the U. S. Railroad Administration. The Governor immediately communicated with the Director General of this body and asked that he secure an immediate decision so that some assurance could be given the men that their case would be determined quickly and they would thereupon return to work. This assurance was given and the men resumed work.

At the time that the contract between the International Brotherhood of Teamsters and the Milk Distributors of New York City was about to expire on October 31st, 1919, both employers and workers went into conference, both sides consulting the Governor's Labor Board frequently during the progress of the negotiations and the Governor's Labor Board succeeded in securing the assurance that every endeavor would be made by the Union to avoid a strike and to continue arbitration proceedings in case of disagreement between the parties. In the last week of the negotiations, a few days before the contract was to expire, there was a disagreement between the parties and an immediate strike was threatened which would have deprived New York and the entire metropolitan district of its milk supply. At the last moment, at the request of the Governor's Labor Board that arbitration be continued, a mass meeting of the teamsters was called and when the situation seemed most hopeless, the Governor at the request of the Board, attended the meeting and succeeded in averting a strike.

One of the most serious disturbances occurring in the life of the Board was the upheaval which threatened the cloak and suit industry in New York City, involving some 40,000 workers and their families. This occurred in January, 1920. The Governor summoned both sides to the Executive Chamber and after inquiring into the situation, requested the following special board to consider this controversy:

Edward F. Boyle, Chairman State Industrial Commission.
Frances Perkins, Member State Industrial Commission.
Israel Feinberg, representing the Cloakmakers Union.
Hugh Frayne, Representative of Labor on Governor's Labor Board.
Saul Singer, Representative of Employers on Governor's Labor Board.
W. D. Baldwin, Representative of Employers on Governor's Labor Board.
Adjutant-General C. W. Berry, Representative of Public on Governor's Labor Board.

Hearings in this controversy lasted over a period of two weeks and the deliberations of the Board an additional week. The controversy concerned the question of an increase of wages which the union asked for in spite of the fact that a contract for wages had not yet terminated. The increase was asked for on the claim of a rise in the cost of living since the contract had been signed. The Board was not called upon to modify the contract between the parties but to consider a special situation which had arisen. The decision in the case having been reached and forwarded to the Governor, he called both sides together and in person gave them the decision which made a temporary award to the workers to meet the emergency situation.

In February, 1920, a strike of the men's shirt makers was brought to the attention of the Board. After mediation, the men returned to work and a new contract was written between the employers and workers in the industry and points of difference concerning wages arbitrated.

Several minor cases in the men's clothing industry were mediated. The Board was frequently consulted when differences were pending between workers and employers and frequently advised both sides, thereby averting an open break. This was especially the kind of work for which the Board was organized.

A strike of one of the local unions of the International Brotherhood of Teamsters, whose work was connected with the butter and egg trade was mediated within twenty-four hours; the men returned to work and friendly relations were re-established through the efforts of the Board.

For many months a serious situation prevailed among the longshoremen, affecting the whole port of New York. Federal agencies had endeavored to mediate but had been unsuccessful and the situation finally narrowed itself down to a controversy between the coast-wise steamship lines and the longshoremen. The International Brotherhood of Teamsters supported the longshoremen in the strike and brought about a practically complete tie-up of the business of the harbor. Through the Governor's Labor Board, a careful study was made of the whole situation and Adj.-Gen. Berry and the Secretary of the Board, acting for the Governor, attended a mass meeting of the longshoremen's locals affected. The controversy centered about an increase for wages which could only be passed on action by the Interstate Commerce Commission. The Governor offered to intercede immediately with the Interstate Commerce Commission, provided the striking longshoremen would return to work and further offered the service of the Labor Board in mediating any minor differences between them and their employers. The longshoremen refused the Governor's offer and after continued efforts at mediation between both sides, it became apparent that the Interstate Commerce Commission was about to act. The teamsters remained faithful until such time as it became apparent that mediation between both sides would be successful, and finally the situation cleared.

In June, 1920, there was a dispute between a local of the International Brotherhood of Teamsters and the Van Owners of Greater New York in regard to the interpretation of a certain paragraph of their existing agreement. This was brought to the attention of the Board and mediated.

In July, 1920, a strike was threatened because of a delay in arbitration between the International Street Railway Company of Buffalo and the

Amalgamated Association of Street Railway Employees of that city. Both sides brought the controversy to the Governor and requested him to act as arbitrator. It was apparent that unless immediate action was taken the whole traction system of the city and its outlying districts would be tied up. The Governor's Labor Board proceeded immediately to Buffalo and by means of hearings and conferences, succeeded in averting a strike and holding the men patient, awaiting arbitration. After a number of attempts to mediate the situation both by the Chairman of the Labor Board and the Governor himself, arbitration was agreed upon and the Governor was requested to name the arbitrator. He named Mr. Charlton Ogburn. Both sides have been endeavoring to reach a basis for the arbitration. The controversy is still in progress but no strike has occurred.

Mr. Saul Singer having resigned from the Board, Mr. A. E. Lefourt was selected in his place; Mr. E. J. Barcalo from press of other business having resigned, Mr. Sidney Detmers was appointed on recommendation of the Associated Merchants and Manufacturers.

In March, 1920, the Legislature made an appropriation of $25,000 for the expenses of the Labor Board.

The Labor Board has been consulted in the present emergency going on between the International Brotherhood of Teamsters and the milk distributors of New York City. Both sides have sought arbitration and the case is in progress.

The Board acknowledges appreciatively, the cooperation of the State Industrial Commission both through the efforts of the Chairman and of Commissioner Perkins under whose direction, the Bureau of Mediation and Arbitration has rendered valuable assistance.

The members of the Labor Board have given freely of their time whenever it was necessary. Many minor cases and consultations have been handled directly through the Secretary, sometimes with the aid of individual members of the Board. It has been a service worth performing and has placed at the call of the Executive a voluntary group whose efforts could be relied upon in an emergency to stimulate and adjust an equitable relationship between workers and their employers.

It is the sense of the Board that a body of this kind functioning in conjunction with the State Industrial Commission would find a wide field of useful activity. If there could be a panel of individuals who would volunteer their services when called upon to assist in the mediation or arbitration of disputes, they would create an influence in the State that would go far toward the possible solution and avoidance of many serious industrial disturbances. The Bureau of Mediation of the State Industrial Commission would have the task of acquiring permanent material that would be useful in determining the facts in controversies, while a group of individuals, representing the three parties in dispute, and serving as volunteers would be an available resource that would prove as efficacious as this informal Governor's Labor Board has been.

Appreciating the splendid cooperation which Governor Smith has rendered them at all times by his willingness to advise with them and to assist them with his personal efforts as mediator, the members of the Board respectfully present this final report of their activities, feeling that they have fulfilled the purpose for which they were appointed.

Note.— For Proceedings of the Conference on Industrial Conditions, see section X of the Public Papers of 1919.

X

PARDONS, COMMUTATIONS AND REPRIEVES

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X

PARDONS, COMMUTATIONS AND REPRIEVES

Pardons, Commutations and Reprieves Granted by Governor Smith 1920

PARDONS

August 12, 1920. Frank A. Larocca. Convicted in New York county, serving sentence of five months in City Prison, New York city, for making false statement in connection with an election return in a primary election.

A number of other defendants informed against jointly with Larocca were given sentences of two months. Larocca was advised to stand trial and appealed and lost his case on appeal, and was consequently sentenced to five months. He has already served two months straight of the sentence and spent six weeks in jail before trial awaiting bail.

His previous record is without reproach. I am moved to pardon him because of the destitute condition of his wife and baby. I am informed by her that she is living on the charity of her neighbors.

The following men were pardoned, after having served their sentences, for purposes of removing disabilities—to permit them to be reinstated in their professions, to be admitted to civil service examinations or to be permitted to apply for naturalization papers:

January 13, 1920. Bernard H. Lord. Convicted in Westchester county of grand larceny, second degree; sentence suspended.

January 13, 1920. Matthew Aloi. Convicted in Kings county of attempted arson; sentenced February 23, 1908, to 14 years minimum; 14 years, 6 months maximum, Sing Sing Prison.

January 21, 1920. Joseph J. Hartnett. Convicted in Erie county of burglary, second degree; sentenced October, 1906, to Auburn Prison for 10 years. Convicted in New York county of aiding and abetting; sentenced October, 1913, to Sing Sing Prison for 1 year and 1 month.

January 31, 1920. Victor Bohm. Convicted in New York county of grand larceny, second degree; sentenced to Sing Sing Prison November 7, 1918, to 1 year minimum; 4 years, 6 months maximum.

March 9, 1920. Rocco Antoniello. Convicted in Kings county of manslaughter, first degree; sentenced November 23, 1914, to Sing Sing Prison for 5 years minimum; 14 years, 6 months maximum.

March 9, 1920. Orlando Baldi. Convicted in New York county of bribery; sentenced January 29, 1914, to the New York County Penitentiary for 3 months.

April 30, 1920. George Haug. Convicted in New York county of grand larceny; sentenced August 3, 1904, to Sing Sing Prison for a term of 2 years.

April 20, 1920. Antonio Mangrelli. Convicted in Bronx county of manslaughter, second degree; sentenced April 22, 1907, to Sing Sing Prison for 11 years.

April 20, 1920. Theodore Herzig, alias Eddie Davis. Convicted in New York county of perjury; sentenced August 28, 1912, to Sing Sing Prison for 2 years minimum; 5 years, maximum.

April 20, 1920. Morris Kronenberg. Convicted in New York county of grand larceny, second degree; sentenced January 10, 1902, to the Elmira Reformatory.

April 30, 1920. Charles Pines. Convicted in Nassau county of manslaughter, first degree, and abortion; sentenced February 18, 1919, to the New York County Penitentiary for 1 year.

May 15, 1920. Dominick Casamassino. Convicted in New York county of burglary, third degree; sentenced October, 1917, to Sing Sing Prison for 3 years, 10 months.

June 4, 1920. Vincenzo S. Buccafurri. Convicted in Kings county of manslaughter, first degree; sentenced April 1, 1911, to Sing Sing Prison for 9 years minimum; 10 years, 2 months maximum.

June 4, 1920. Benjamin Josefsberg. Convicted in New York county of criminally receiving stolen property; sentenced to the New York County Penitentiary in February 23, 1910, to 6 months.

June 4, 1920. Bartholomew Sabino. Convicted in Saratoga county of assault; sentenced February, 1913, to Clinton Prison for 5 years.

August 24, 1920. Morris Flegenheimer. Convicted in New York county of burglary, third degree; sentenced to the Elmira Reformatory August 9, 1901.

September 11, 1920. Michael Piombino. Convicted in Albany county of rape, second degree; sentenced to Clinton Prison, April 1, 1910, to 3 years minimum; 5 years maximum.

September 11, 1920. Saveria Malfitani. Convicted in Kings county of attempted grand larceny, second degree; sentenced June 13, 1916, to Sing Sing Prison for 1 year, 3 months minimum; 2 years, 3 months maximum.

September 11, 1920. Joseph Fotia. Convicted in New York county of robbery, first degree; sentenced August 1, 1908, to Sing Sing Prison for 5 years minimum; 8 years maximum.

September 23, 1920. Luigi Santora. Convicted in Westchester county of manslaughter, second degree; sentenced December, 1906, to Sing Sing Prison for 5 years.

November 26, 1920. Samuel Rosenberg. Convicted in New York county of attempted grand larceny; sentenced December 2, 1903, to Sing Sing Prison for 2 years.

November 26, 1920. Henry Crowl. Convicted in Erie county of robbery, second degree; sentenced to the Elmira Reformatory.

November 26, 1920. Julius Gordon. Convicted in Onondaga county of arson; sentenced January 12, 1913, to Auburn Prison for 2 years, 2 months minimum; 4 years, 2 months maximum.

November 26, 1920. Salvatore Coppola. Convicted in New York county of attempted grand larceny, second degree; sentenced June 21, 1911, to Sing Sing Prison for 1 year, 3 months minimum; 2 years, 4 months maximum.

November 26, 1920. Henry S. Trivelli. Convicted in Bronx county of robbery, first degree; sentenced April 16, 1915, to Sing Sing Prison for 7 years, 6 months minimum; 19 years, 4 months maximum.

November 26, 1920. Andrew Tirdley. Convicted in New York county of bigamy; sentenced May 27, 1910, to Sing Sing Prison for 1 year minimum; 2 years maximum.

November 26, 1920. Giuseppi Costa. Convicted in Westchester county of assault; sentenced February 10, 1913, to the New York Penitentiary for 10 months.

November 26, 1920. Joseph Ruggiero. Convicted in New York county of attempted grand larceny, first degree; sentenced July 31, 1907, to 3 years, 2 months minimum; 4 years, 3 months maximum, to Sing Sing Prison. Convicted in New York county of feloniously carrying a pistol; sentenced April 27, 1914, to 3 months in New York County Penitentiary.

December 6, 1920. Marcellino Saudo. Convicted in New York county of manslaughter, first degree; sentenced January 31, 1920, to 20 years in Sing Sing Prison.

December 6, 1920. Paolo Olivieri. Convicted in New York county of bigamy; sentenced July 29, 1908, to 1 year in New York County Penitentiary.

December 30, 1920. John Nardi. Convicted in Kings county of assault; sentenced to New York County Penitentiary on February 15, 1915, to 3 months.

COMMUTATIONS

January 8, 1920. Morris Raskowitz. Convicted in Kings county of attempted murder, first degree, and sentenced in January, 1915, to Sing Sing Prison for 8 years minimum; 14 years, 4 months maximum.

Commuted to 4 years, 11 months and 19 days minimum; 14 years, 4 months maximum.

On December 19, 1919, the wife of this man wrote me a very appealing letter, stating that she was in a sanitorium for the treatment of tuberculosis at Otisville, and that she expected to be discharged in a short time; that since her husband has been in prison she has been in two different places for treatment of her disease, and had been discharged from one and was left destitute in the streets; was picked up and sent to the institution where she now is.

On receiving that communication I again submitted the case of Raskowitz to the judge and district attorney for such report as they might see fit to make to me on the facts presented by the wife. On December 26, 1919, I received a report from Judge Jaycox, who presided at the trial, and he stated that the letter was a very appealing one (the letter from the wife) and that if he had the right he would grant clemency to the prisoner; further stating that in his opinion the punishment which Raskowitz had undergone might b econsidered fairly adequate, and he believed no miscarriage of justice would result if he were released. The district attorney of Kings county takes substantially the same view of the matter.

After considering the situation thoroughly I conclued that it was a case meriting Executive clemency, so I decided to commute the sentence of the prisoner so that he may be released under and subject to the jurisdiction of the Parole Board, thereby permitting him to take care of his wife who is badly in need of his assistance.

January 9, 1920. Matthew Gardner. Convicted in Queens county of arson, third degree and sentenced in April, 1919, to a minimum of 3 years; 6 years maximum.

Commuted to 9 months and 12 days minimum; 6 years maximum.

Recommended by District Attorney Leary, who prosecuted the case and also by Fire Marshal Brophy of New York City. The district attorney after stating the facts in his report to me, adds "after the discovery of the fire and prior to his indictment and conviction, and during the trial of the main criminal, he rendered valuable service to the State in the prosecution of the principal involved, and that in his opinion that the fact of his conviction and the degradation inflicted upon a very intelligent man by his sentence and the time that he has already served are sufficient punishment for his share in the crime."

The principal that Gardner helped to convict received a minimum of 10 years and a maximum of 20. In view of the fact that Gardner has a wife and a child twenty months old, who are in need of his assistance, and taking into consideration the recommendations I

have commuted this man's sentence so that he might be released under and subject to the jurisdiction of the Parole Board.

January 15, 1920. George Glenn. Convicted in New York county of burglary, second degree, and sentenced in April, 1911, to Sing Sing Prison for a definite term of 20 years.

Commuted to 8 years, 9 months minimum; 20 years maximum.

This man has been severely punished by the time already served, and Mrs. Maud Ballington Booth of the Volunteer Prison League, New York City, who has for several years been following this case, is firmly convinced that the prisoner has entirely reformed. He has never been punished while in prison, and has always done his work in a manner satisfactory to the prison officials.

Taking into consideration the fact that he is to go out on parole and has people interested in his welfare I have commuted his sentence. If Glenn violates his parole he can be returned to prison and be compelled to serve out the balance of his maximum term, which is 20 years.

January 15, 1920. Meyer Hoskowitz. Convicted in Kings county of burglary, first degree, as a second offense, and sentenced in December, 1913, to Sing Sing Prison for life.

Commuted to 6 years, 1 month minimum; life maximum.

Recommended by Judge Tierney who presided at the trial, who writes to me that he believes that the time served by Hoskowitz has been an adequate punishment for the offense for which he was convicted.

Taking into consideration the recommendation of the judge and the fact that this man, if he violates the terms of his parole, can be returned to prison and be kept there for the balance of his life, I have commuted his sentence.

January 15, 1920. Alfred Steinhauer. Convicted in Queens county of robbery, first degree, and sentenecd in February, 1915, to Sing Sing Prison for a definite term of 20 years.

Commuted to 4 years, 11 months and 6 days minimum; 20 years maximum.

Recommended by Judge Humphrey and also by the district attorney of Queens county, who prosecuted the case. Judge Humphrey advises me that the sentence imposed was a severe one for the reason that he was a second offender and that under those conditions he had no discretion to exercise. He states that he believes in view of the fact that he has been in prison nearly five years that he had been sufficiently punished and recommends his release.

Acting upon the recommendation of the judge and district attorney I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

January 15, 1920. Albert Mazey. Convicted in Bronx county of burglary, third degree, and sentenced in January, 1918, to Sing Sing Prison for a period of 5 years.

Commuted to 2 years, 4 days.

Since this man has been in prison he has developed osteosarcoma (cancer). He was operated on in Auburn Prison in August, 1919, and within a very few weeks after that the cancer returned and

grew very rapidly. He has been under treatment at Sing Sing Prison and I am advised by the prison physician there that he does not think it possible to stay the progress of the disease, owing to the fact that the prisoner is 20 years of age and that this particular form of cancer is fatal. Since December, 1919, he has developed a cancer in the hip, and the physician of Sing Sing Prison expects he will also have the disease in other portions of the body. He also states that the prisoner, in his opinion, will live but a very few months.

This man has people who are willing and able to take care of him, on the outside, and I have accordingly commuted his sentence so that he will be released immediately.

January 15, 1920. Katherine Ferenzy. Convicted in New York county of violation of the White Slave act, and sentenced by Judge Rosalsky in June, 1914, to Auburn Prison, for 10 years minimum; 15 years maximum.

Commuted to 5 years, 8 months and 5 days minimum; 15 years maximum.

This woman's husband was convicted at the same time and on the same charge, but he received a sentence of 7 years minimum; 15 years maximum, which permits of his being released by the Parole Board on March 15, 1920. Deportation warrants have been filed by the United States authorities in both of these cases, and for the purpose of permitting Katherine Ferenzy to be deported at the same time as her husband is, I have reduced her sentence as above shown.

January 19, 1920. Abraham Bernstein. Convicted in Westchester county of robbery, first degree, and sentenced in April, 1915, to a minimum term of 8 years; maximum of 12 years.

Commuted to 4 years, 8 months and 25 days minimum; 12 years maximum.

Recommended by the assitant district attorney who prosecuted the case, and also by the Honorable Frederick E. Weeks who was the district attorney at the time of the conviction. This man's conduct has been uniformly good in prison and the Warden of the prison where he now is confined, recommends a parole.

In view of the recommendations and the fact that he has been severely punished, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

January 19, 1920. Henry B. Ward. Convicted in Otsego county of murder, second degree, and sentenced in March, 1915, to Auburn Prison for a term of 20 years minimum; life maximum.

Commuted to 4 years, 10 months and 22 days minimum; life maximum.

Judge McCann who presided at the trial of this man in December, 1918, recommended to a former governor that he believed that the ends of justice would not be affected if this man were released so that he might spend his few remaining years outside of prison walls. This man at the time of his conviction was 84 years old; he is now 89. His health has been poor and he has been in the

hospital ever since his imprisonment, and is senile. He has a son who is able and willing to take care of him upon his release, and I have accordingly commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

January 21, 1920. Otto Susdorf. Convicted in Erie county of assault, first degree, and sentenced in October, 1908, to Auburn Prison, for a definite term of 17 years. Susdorf owed the State at the time of receiving this sentence 7 years, 6 months and 10 days lost commutation, making his term 24 years, 6 months and 10 days to serve.

Commuted to 11 years 3 months and 12 days minimum; 17 years maximum.

This man has been a model prisoner and has never been punished during the long period served; his parole is recommended by the Warden of the prison. In addition to this, the physical condition of the prisoner is very poor. The prison physician in his statement to me says: "He is suffering from locomotor ataxia and though we have given him intensive treatment he shows little improvement. Associated with this condition there is increasing deafness and failing vision, so that he will eventually become helpless."

Taking into consideration the physical condition of the prisoner and the time served, I have concluded that it is a proper case for the exercise of clemency, and have commuted the sentence of this man so that he may be released under and subject to the jurisdiction of the Parole Board.

January 23, 1920. Solomon Weberman. Convicted in New York county of criminally receiving stolen property, first degree, and sentenced by Judge Nott in February, 1918, to Sing Sing Prison for a definite term of 5 years.

Commuted to 1 year, 11 months and 15 days minimum; 5 years maximum.

Recommended by Judge Nott solely on the ground of the man's physical condition. It appears that this man is suffering from several disorders, the most serious of which is a goiter, which renders him unable to do any work and which the doctors say, can be removed by a radical operation.

In view of this man's physical condition, the judge thinks that the ends of justice would be subserved by a commutation of sentence, and I have accordingly acted upon that recommendation and have commuted the prisoner's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

January 23, 1920. William F. Bellosa. Convicted in Oneida county of burglary, third degree; grand larceny, second degree, and burglary, third degree—three separate charges, and was sentenced for three terms of 2 years and 6 months each, minimum; 5 years maximum.

Commuted to 3 years, 9 months and 7 days minimum; 15 years maximum.

Recommended by district attorney of Oneida county and by Judge Devendorf, who presided at the trial. Bellosa's physical condition is poor; he has valvular heart disease. The Warden states

to me, " He has never been strong enough to do any hard work, but what has been given him, he has done willingly, and his conduct is good." His mother is in poor health and it was thought by the judge and district attorney in view of her health and his own physical condition, that he could properly be released, and I have accordingly commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 4, 1920. Thomas Flynn. Convicted in New York county of murder, second degree, and sentenced in May, 1907, to Sing Sing Prison, for minimum term of 20 years; maximum of life.

Commuted to 12 years and 9 months minimum; life maximum.

This man has been severely punished by the term served and Judge Rosalsky, who presided at the trial, in December, 1918, made a recommendation wherein he stated that in view of all the circumstances of the case he was of the opinion that the prisoner had been sufficiently punished, and recommended clemency in his behalf.

Flynn has never been punished for infraction of the prison rules. If his sentence were not reduced he would have to serve something like four years more. In view of his excellent prison record and the recommendation of the judge, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 4, 1920. Frank Ferrara. Convicted in New York county of murder in the first degree, and sentenced in April, 1916, to be executed. Thereafter the case was appealed to the Court of Appeals and the judgment of the trial court affirmed, and the date of the execution was fixed for the week beginning April 16, 1917.

Thirteen respites have been granted in the Ferra case; the last one will expire February 9, 1920. Eight of these respites were granted in 1917 and 1918, and five were granted in 1919. These respites were granted for the reason that until the entire Barnett Baff investigation had been completed, it was important that Ferrara's case be not disposed of.

I am commuting the sentence of Ferrara to life imprisonment upon the written recommendation of the attorney-general, in which recommendation the attorney-general states that Ferrara rendered service to the State. On the advice and recommendation of the attorney-general, I have reached the conclusion that the interests of justice can be best served by commuting the sentence of Ferrara to life imprisonment, and I have, therefore, acted accordingly.

February 4, 1920. Joseph Cohen. Convicted in New York county in August, 1917, of murder in the first degree, and sentenced to be executed. Thereafter his case was appealed to the Court of Appeals, the verdict of the trial court was affirmed and the date of his execution was fixed for the week beginning July 15, 1918.

Seven respites have been granted in the Cohen case; three of them during the year 1918 and four during the year 1919. The last respite will expire February 9, 1920. These respites were granted for the purpose of postponing the final judgment of the court until other cases, growing out of the same transaction, could be finally determined.

On the record, which is all there is before me aside from the facts adduced in the John Doe proceedings, I have no doubt about the guilt of Cohen. If I had, there would be a further duty devolved upon me. The question presented to me is whether or not the State should exact in Cohen's case the extreme penalty of the law. I believe that the ends of justice will be served by life imprisonment. I am helped to this conclusion not only by the recommendation of Judge McIntyre (who presided over the John Doe proceedings instituted by the district attorney of New York county during 1919, to ascertain whether perjury had been committed on the trial of Cohen), wherein he says: "It is my conclusion from all the facts and circumstances surrounding the prosecution of Joseph Cohen and all other defendants charged with the murder of Barnett Baff, that the interests of public justice would be served by commuting the sentence of death of Joseph Cohen," but also by the fact that his conviction was not unanimously affirmed by the Court of Appeals. Having in mind that by my action Cohen will spend the rest of his life in prison, I feel that the ends of justice are amply sustained, and I therefore commute his sentence to life imprisonment.

February 5, 1920. John Schipani. Convicted in Kings county in April, 1914, and sentenced to the penitentiary for a term of 1 year for the crime of carrying dangerous weapon. This sentence was to become effective after he had served a term in prison for a different crime. He has served his term in prison and five months on his sentence in the New York County Penitentiary. Judge Dike, who sentenced him on both charges, advises me under date of January 15, 1920, as follows:

> "It seems to me that under the circumstances he has paid his debt to the State and that his case might be a very proper one for executive clemency, and in case of such action on your part I should most heartily acquiesce."

In view of the judge's recommendation and also the punishment undergone by Schipani, I have commuted his sentence so that he may be released.

February 6, 1920. Edward Brady. Convicted in New York county in March, 1913, for feloniously carrying a revolver, as a second offense, and sentenced by Judge Mulqueen to Sing Sing prison for a definite term of 13 years.

Commuted to 6 years, 10 months and 27 days minimum; 13 years maximum.

This man has had a uniformly good record since he has been in prison, and Judge Mulqueen, who sentenced him, advises me that inasmuch as the law has been changed since he sentenced the prisoner, making the maximum term for which he could impose the sentence under like conditions — seven years — if the man's prison conduct is good he would recommend clemency.

In view of the prisoner's good conduct in prison and the statement of the judge, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 6, 1920. James Strang. Convicted of attempted robbery, first degree, in New York county, and sentenced in January, 1915, by Judge Rosalsky to Sing Sing Prison for a definite term of 10 years.

Commuted to 5 years and 15 days minimum; 10 years maximum.

Judge Rosalsky, who sentenced this man, advised me under date of January 15, 1920, as follows:

> "From my investigation I find that the mother of the prisoner is an invalid and has suffered considerably because of the loss of support that she formerly received from him. I am also convinced that the prisoner fully appreciates that his past lapses from rectitude have been unprofitable, and that his confinement for about five years will be an everlasting lesson to him not to yield again to temptation.
>
> "In order that the prisoner should be afforded an opportunity to retrace his steps so that he may begin life anew, I respectfully recommend that your excellency commute his sentence to the term of imprisonment which he has undergone to date."

In view of the recommendation of the judge, I have commuted Strang's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 6, 1920. Giovanni Bonifacio. Convicted in Montgomery county of murder, second degree, and sentenced in November, 1904, to life imprisonment. This sentence was changed by the Law of 1907 to a minimum of 20 years; life maximum.

Commuted to 15 years and 3 months minimum; life maximum.

This man has served as long as he would have to serve under the law as it exists today. The prisoner has never been punished while in prison.

Judge Kellogg, who presided at the trial of this man, writes me that he believes that the due administration of justice would suffer no detriment if it should be determined that his application is deserving of favorable consideration. He further states that if the man's record in prison is good, he would recommend clemency.

In view of the excellent prison conduct of this prisoner and the recommendation of the judge, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 11, 1920. Frederick Vance. Convicted in Onondaga county of robbery, first degree, and sentenced in 1910 to Auburn Prison for a definite term of 18 years and 6 months.

Commuted to 10 years minimum; 18 years and 6 months maximum.

Recommended by Judge Ross, who presided at the trial. Vance has served since that recommendation three additional years in prison, and taking into consideration the judge's recommendation, I have commuted the prisoner's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 11, 1920. Samuel J. Dixon. Convicted in Schenectady county of burglary, third degree, and grand larceny, second degree, and sentenced in March, 1917, to a definite term of five years in Clinton Prison.

Commuted to 2 years, 10 months and 23 days minimum; 5 years maximum.

Recommended by the district attorney of Schenectady county.

Dixon would be released by expiration of his term on July 21, 1920. He has a little over four months yet to serve of his sentence. By my action now he will be released under and subject to the jurisdiction of the Parole Board and will be under their supervision for a period of at least a year, and if he fails to behave himself he can be returned to prison to serve out the balance of his unexpired term.

February 11, 1920. William Shaughnessy. Convicted in Albany county of robbery, first degree, and sentenced in March, 1918, to a term of 6 years minimum; 10 years and 6 months maximum.

Commuted to 1 year, 11 months minimum; 10 years and 6 months maximum.

The prisoner, who is 49 years of age, has always lived in Troy, N. Y., where he worked since he was eight years old. He was with one firm for 14 years. He has a wife and family to support and his wife informed me in a personal interview that when she married this man she had three children, by a former husband, and that he (the prisoner) had always supported her and her children.

Taking into consideration the condition of the family of the prisoner and the fact that he has been severely punished by the term already undergone in prison, I have reached the conclusion that clemency in this case may properly be exercised. I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 11, 1920. Walter J. Williams. Convicted in New York county of robbery, first degree, and sentenced in August, 1912, to Sing Sing Prison to a definite term of 14 years and 6 months.

Commuted to 7 years, 6 months and 6 days minimum; 14 years and 6 months maximum.

Judge Rosalsky, who presided at the trial, in a communication dated October 25, 1917, recommended clemency in behalf of the prisoner. He stated then that in view of all the circumstances of the case, he was satisfied that the ends of justice would be served if commutation were granted. Since that date this man has served something like two years and four months.

Taking into consideration the severe sentence imposed and the fact that my action at this time will put him under the supervision of the Parole Board, and if he fails to maintain the conduct prescribed by the Board, he can be returned to prison, I have reached the conclusion that it is proper to commute his sentence.

February 12, 1920. Bruno Rothenburg. Convicted in New York county of arson, third degree, and sentenced in December, 1912, to Sing Sing Prison for 7 years and 6 months minimum; 11 years and 6 months maximum.

Commuted to 5 years, 10 months and 27 days minimum; 11 years and 6 months maximum.

This commutation is granted for the express reason that Rothenburg while in prison had been injured by a landslide when working on the prison site, and the prison physician advises me, under date of January of this year, that he (the prisoner) has never fully

recovered from the injury and that he never will; that he had three strokes of paralysis lasting for periods of several days. He further says that the prisoner has been in a hospital almost continuously since that accident and will always remain a patient in the hospital.

Taking into consideration the injury sustained and the fact that he has people who are willing and able to take care of him, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 13, 1920. Adolph Frier (Freier). Convicted in Westchester county of manslaughter, second degree, and sentenced in December, 1918, to Sing Sing Prison for 3 years minimum; 6 years and 6 months maximum.

Commuted to 1 year, 1 month and 15 days minimum; 6 years and 6 months maximum.

Recommended by Judge Tompkins, who presided at the trial, and by the district attorney who prosecuted the case. Judge Tompkins advises me that he informed Frier at the time of sentence that after he had served one year, he would recommend clemency in his behalf.

The judge has so recommended it.

Taking into consideration the positive recommendation of both the judge and district attorney I have commuted his sentence so that this prisoner may be released under and subject to the jurisdiction of the Parole Board.

February 13, 1920. Patrick J. Donahugh (Donohue). Convicted in Erie county of robbery, third degree, and sentenced in January, 1919, to Auburn Prison for a term of 2 years minimum; 4 years and 6 months maximum.

Commuted to 1 year and 20 days minimum; 4 years and 6 months maximum.

This man's minimum time would expire in July of this year, and I am therefore reducing his sentence by a little over four months.

After a careful consideration of all the facts, as reported to me in this case, it seems to me that the ends of justice have been met by the imprisonment already undergone by the prisoner, and I have therefore commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board. If he does not behave himself he can be returned to prison to serve out the balance of his unexpired term.

February 13, 1920. Antonio Spiezio. Convicted in Albany county of murder, second degree, and sentenced May 22, 1905, to Clinton Prison for 20 years minimum; like maximum.

Commuted to 14 years, 8 months, 7 days minimum; life maximum.

The district attorney of Albany county in a communication to me dated November, 1919, after setting forth the facts, makes a positive recommendation; that this man served several years longer than he would have been compelled to serve had he been convicted of manslaughter, first degree, and from the facts, he says, that if the prisoner had been so convicted — of manslaughter — the ends of justice would have been met, and that he therefore recommends clemency.

Taking into consideration the recommedation and all the facts

of the case, I have accordingly commuted the sentence of the prisoner so that he may be released under and subject to the jurisdiction of the Parole Board.

February 16, 1920. Walter B. Severance. Convicted in New York county of perjury and sentenced in January, 1918, to Sing Sing Prison for 5 years minimum; 10 years and 6 months maximum.

Commuted to 2 years minimum; 10 years and 6 months maximum.

Recommended by Judge Nott, who presided at the trial, who advises me that after this man had served two years he believes the ends of justice would not be injured if the sentence were commuted. Severance has served that length of time and in view of the number of persons interested in him, I have accordingly commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 17, 1920. Vincenzo Stile. Convicted in Kings county of robbery, first degree; grand larceny, first degree, and assault, second degree, and sentenced in June, 1915, to Sing Sing Prison for 10 years minimum; 16 years maximum.

Commuted to 4 years, 8 months and 2 days minimum; 16 years maximum.

Recommended by Judge Manning, who presided at the trial, who advises me under date of February 13, 1920, "That in view of the time served and the fact that the prisoner has never been punished in prison and never had a previous criminal record, he believes the ends of justice have been met by the time served."

Acting upon the recommendation of Judge Manning, I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

February 17, 1920. Charles Benfield. Convicted in Westchester county of grand larceny, second degree, and assault, second degree, as a second offense, and sentenced in March, 1914, to Sing Sing Prison for a definite term of 15 years.

Commuted to 5 years, 10 months and 25 days minimum; 15 years maximum.

This man has had a good prison record and his work in prison has been entirely satisfactory. The man against whom Benfield committed the crime has strongly recommended that he believes Benfield has paid a sufficient penalty and if his conduct in prison has been good, he believes that he should receive executive clemency.

Taking into consideration the attitude of the complainant in the case and the excellent prison conduct of Benfield, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

If Benfield fails to live up to the terms of his parole he can be returned to prison and be compelled to serve out the balance of his unexpired term.

February 17, 1920. Richard Meincke. Convicted in Kings county of criminally receiving stolen goods and sentenced in February, 1919, to Sing Sing Prison for 2 years and 6 months minimum; 5 years and 6 months maximum.

Commuted to 11 months and 23 days minimum; 5 years and 6 months maximum.

Since this man has been in prison he has lost his father and that leaves his mother without any one to assist her or to take care of her.

Taking into consideration the above fact, I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

If Meincke fails to live up to the terms of his parole he can be returned to prison and be compelled to serve out the balance of his unexpired term.

February 19, 1920. Frederick Wolfrum. Convicted in New York county of forgery, second degree, and sentenced in March, 1919, to Sing Sing Prison for 3 months minimum; 6 years and 6 months maximum.

Commuted to 10 months and 28 days minimum; 6 years and 6 months maximum.

Restitution was made to the parties injured of all the property which the prisoner and his wife had. Wolfrum has a wife and two small children, and it is impossible for the wife to take care of these children.

Taking into consideration the fact that the people injured by the crime are willing that Wolfrum should be released, and also the fact that his family needs his help very much, I have commuted the sentence so that he may be released under and subject to the jurisdiction of the Parole Board. If he fails to behave himself or if he violates his parole, he can be returned to prison to serve out the balance of his maximum term — 6 years and 6 months.

February 26, 1920. Clement Pacyna. Convicted in Erie county of robbery, first degree, and sentenced in March, 1919, to Auburn Prison for 10 years minimum; 19 years and 6 months maximum.

Commuted to 1 year, 1 month minimum; 19 years, 6 months maximum.

Granted on the recommendation of the district attorney of Erie county, who informs me that one of the other men implicated in the same crime was sentenced to the Elmira Reformatory, where he may earn his discharge in about 13 months, and the district attorney believes that this man ought not to serve longer than his codefendant.

Acting upon the recommendation of the district attorney, I have commuted the sentence of Pacyna so that he may be released under and subject to the jurisdiction of the Parole Board.

February 26, 1920. Theodore Dixon. Convicted in Bronx county of murder in the first degree in June, 1919, and sentenced to be electrocuted. The date of electrocution has been fixed for the week beginning with March 15, 1920.

The case was passed upon by the Court of Appeals and judgment of the trial court was affirmed.

There is not the slightest doubt about the guilt of Dixon. That has been settled by the trial court and the Court of Appeals. However, at the time Dixon committed the crime, he was but 16 years of age, and is now 17.

Solely on account of his age, I am commuting Dixon's sentence to life imprisonment.

March 2, 1920. Preston Henderson. Convicted in New York county of murder in the second degree, and sentenced in March, 1904, to Sing Sing Prison for life.

Commuted to 16 years and 15 days minimum; life maximum.

Recommended by Judge Kenefick, who presided at the trial.

This prisoner has served 1 year and 15 days longer than he would have to serve under a conviction of murder in the second degree today. He has always had an excellent prison record. Mrs. Maud Ballington Booth, of the Volunteer Prison League, of New York city, is interested in this man and will look after him when released. Taking into consideration the recommendation of the judge and the fact that he will be looked after, I have commuted the prisoner's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 2, 1920. Newton Tomlins. Convicted in Rockland county of murder, second degree, and sentenced in June, 1915, to 20 years minimum; life maximum.

Commuted to 4 years, 9 months and 16 days minimum; life maximum.

Recommended by both Judge Tompkins, who presided at the trial, and by the district attorney, who prosecuted the case. In view of such recommendations I have accordingly commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 2, 1920. Gaetano Marino. Convicted in Erie county of murder, second degree, and sentenced in September, 1912, to Auburn Prison for 20 years minimum; life maximum.

Commuted to 7 years, 5 months and 22 days minimum; life maximum.

Recommended by Judge Marcus, who presided at the trial, and by the district attorney of Erie county, who prosecuted the case. In view of such recommendations I have commuted his sentence so that he might be released under and subject to the jurisdiction of the Parole Board.

March 2, 1920. Jacob Saul. Convicted in Kings county for criminally receiving stolen goods, and sentenced in May, 1918, to Sing Sing Prison for 1 year and 6 months minimum; 5 years maximum.

Commuted to 1 year and 4 days minimum; 5 years maximum.

I am reducing this man's sentence by a little over five months. Saul has a family who needs his assistance very much, and I have concluded to place him under and subject to the jurisdiction of the Parole Board.

March 4, 1920. Fred Fredericks. Convicted in Bronx county of robbery, first degree, and sentenced in December, 1914, to Sing Sing Prison for 16 years and 8 months.

Commuted to 5 years, 2 months and 27 days minimum; 16 years and 8 months maximum.

Judge Gibbs, who imposed the sentence, advises me under date of February, 1920, that he recommends full executive clemency.

In view of the judge's recommendation, I have accordingly

reduced this man's sentence to the time actually served, so that he may be released under and subject to the jurisdiction of the Parole Board.

March 4, 1920. Clarence LaPoint. Convicted in Washington county of murder, second degree, and sentenced in July, 1908, to Clinton Prison for 20 years minimum; life maximum.

Commuted to 11 years, 8 months and 11 days minimum; life maximum.

This man has had an excellent prison record; never been punished during his more than 11 years in prison. He has a father and mother who are advanced in years and incapacitated to the extent of supporting themselves.

In view of LaPoint's prison record and the fact that the assistant district attorney, who helped prosecute the case, recommends clemency, I have reduced the prisoner's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 4, 1920. William Pivirotto. Convicted in New York county of forgery, second degree, and sentenced in February, 1918, to Sing Sing Prison for 3 years minimum; 5 years and 6 months maximum.

Commuted to 2 years, 1 month and 2 days minimum; 5 years and 6 months maximum.

This man's minimum term would expire on May seventeenth of this year. Judge Nott, who sentenced the prisoner, advises that he believes the prisoner should serve at least two years of his minimum term, and that two years has elapsed. Owing to the recommendation of the judge, I have commuted this prisoner's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 4, 1920. John McClure. Convicted in Bronx county of robbery, first degree, and sentenced in March, 1914, to Sing Sing Prison for 8 years and 6 months minimum; 16 years and 6 months maximum.

Commuted to 6 years minimum; 16 years and 6 months maximum.

This man has been severely punished by the time already served, and Judge Gibbs, who sentenced the man in September, 1918, recommended to my predecessor that McClure should receive executive clemency.

In view of the judge's recommendation, I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 4, 1920. John Kravchak. Convicted in New York county of grand larceny, first degree, and sentenced in 1918 to Sing Sing Prison for 5 years minimum; 10 years maximum.

Commuted to 1 year, 7 months and 15 days minimum; 10 years maximum.

Recommended by Judge Mulqueen, who sentenced the prisoner, who states in a communication to me under date of January, 1920, that this man rendered valuable assistance to the State as a witness in other cases, and, in view thereof, is entitled to clemency.

Acting upon the judge's recommendation, I have commuted this prisoner's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 4, 1920. Patrick Bolger. Convicted in New York county of robbery, first degree, and sentenced in 1913 to Sing Sing Prison for 10 years minimum; 20 years maximum.

Commuted to 6 years, 10 months and 29 days minimum; 20 years maximum.

Recommended by Judge Foster, who sentenced this man, who advises me that he believes no public interests would be prejudiced if sentence were commuted to time already served and he were released on parole.

Acting upon the recommendation of the judge, I have commuted Bolger's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 4, 1920. Marquis Curtis. Convicted in Kings and Clinton counties of possessing burglar's tools, and assault, first degree, and sentenced on the first charge for 9 years and 10 months; on the second charge for 10 years.

Commuted to 11 years and 10 months minimum; 19 years and 10 months maximum.

This man has been severely punished for the crimes committed, and Mrs. Maud Ballington Booth, of New York city, is deeply interested in him and agrees to take care of him upon release. I have, therefore, commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 4, 1920. Ruben Cohen. Convicted in New York county of grand larceny, second degree, and sentenced in January, 1919, to Sing Sing Prison for 2 years and 6 months minimum; 4 years and 6 months maximum.

Commuted to 1 year, 1 month and 15 days minimum; 4 years and 6 months maximum.

One of the other men engaged in this crime at the same time was sentenced to the Elmira Reformatory, where he can earn his release after serving 12 months and 20 days. In my judgment, Cohen should not be compelled to serve longer than the other defendant, and I have, therefore, commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 4, 1920. Peter Cullen. Convicted in New York county of robbery in the third degree, and sentenced in November, 1914, to 5 years. At the time Cullen was returned to prison he owed 2 years, 10 months and 15 days, lost commutation on a previous sentence.

Commuted to 5 years, 3 months and 23 days minimum; 7 years and 10 months maximum.

This man has served the entire sentence for his present offense, and 3 months and 23 days of his lost commutation. He has been severely punished and I am commuting his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 10, 1920. Joseph S. Mason. Convicted in Rensselaer

county of grand larceny, first degree, and sentenced in June, 1919, to Clinton Prison for 1 year and 6 months minimum; 2 years and 6 months maximum.

Commuted to 8 months and 26 days (actual time served).

At the tim ef conviction of this man, his wife was ill and since that time she has attempted to take care of their farm, including the stock thereon, and as a result is now in the hospital in Schenectady. This man has about four months longer to serve, and to relieve the condition of his family affairs, I have commuted his sentence so that he may be released immediately.

March 15, 1920. Floyd W. Babcock. Convicted in Tompkins county of rape, in the second degree, and sentenced in October, 1917, to Auburn Prison for 5 years minimum; 9 years and 9 months maximum.

Commuted to 2 years, 5 months and 9 days minimum; 9 years and 9 months maximum.

This man has had an excellent prison record, and having in mind that feature, together with the fact that he has a crippled mother who relies upon him absolutely for support, also the fact that he has served a substantial portion of his minimum sentence, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 15, 1920. Felix A. Haley. Convicted in New York county of grand larceny, second degree, and sentenced in April, 1918, to Sing Sing Prison for a definite term of 5 years.

Commuted to 2 years minimum; 5 years maximum.

Recommended by Judge Nott, who recommends that Haley's sentence be commuted after he has served two years, which would be up in April of this year. In view of the judge's recommendation, I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 15, 1920. Charles Brennan. Convicted in Rensselaer county of grand larceny, first degree, and sentenced in March, 1919, to Clinton Prison for 2 years and 2 months minimum; 3 years and 4 months maximum.

Commuted to 1 year and 9 months minimum; 3 years and 4 months maximum.

Recommended by the Warden of Great Meadow Prison, where Brennan is now confined. It appears from the statements from the judge and district attorney that Brennan was under the influence of an older man, and having in mind this fact, also the fact that Brennan has served a substantial portion of his sentence, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

March 22, 1920. John Gargan. Convicted in Kings county of murder in the second degree, and sentenced in May, 1910, to Sing Sing Prison for a term of 20 years minimum; life maximum.

Commuted to 9 years, 10 months and 6 days minimum; life maximum.

Recommended by Judge Kelly, who presided at the trial, who advises me that he believes that this man has been sufficiently

punished by the time served. The prison authorities at Sing Sing Prison state that this prisoner has never been punished for infraction of the rules since he was received in prison; that he has during his time there rendered valuable services to the State, and the former Warden of Sing Sing Prison states in a communication to the Governor that if he were vested with the power to commute sentences, he would not hestitate to commute this man's, so that he might be released under and subject to the jurisdiction of the Parole Board.

In view of the recommendations in this case, and the facts as stated, I have commuted Gargan's sentence so that he may be released on parole. If he fails to behave he can be returned to prison to serve out the balance of his unexpired term.

March 22, 1920. Walter Hayes. Convicted in New York county of the crime of carrying a concealed weapon, after a former conviction of a felony, and sentenced in January, 1919, to Sing Sing Prison for a term of 6 years and 8 months.

Commuted to 1 year, 1 month and 23 days minimum; 6 years and 8 months maximum.

I am commuting this man's sentence entirely owing to his physical condition. In August, 1919, he was operated on at Sing Sing Prison for mastoiditis, and since that time he has not shown improvement; in fact, the prison authorities informed me that his health is in a precarious condition. The wound has to be dressed daily, and in addition to this he has developed tubercular trouble. It is stated, also, that his brother and sister are able and willing to take care of him upon his release and even take him to another climate.

Taking into consideration the facts surrounding this case, as set forth, I have commuted the sentence of Hayes so that he may be released under and subject to the jurisdiction of the Parole Board.

March 26, 1920. Aubray Wilson. Convicted in Monroe county of burglary, third degree, and sentenced in October, 1919, to one year in the Monroe County Penitentiary.

Commuted to 5 months and 2 days actual time.

I am advised by the judge who sentenced this man and by the district attorney, also, and the sheriff of the county, that this man's health is in a precarious condition; that he is suffering greatly from ulcers of the stomach.

Acting upon the advice of these officials and of the jail physician, Monroe county, I have commuted the sentence of Wilson so that he may be released immediately.

March 26, 1920. Daniel J. Lewis. Convicted in New York county of manslaughter, second degree, and sentenced in May, 1919, to Sing Sing Prison for a term of 1 year and 6 months minimum; 2 years and 4 months maximum.

Commuted to 10 months and 19 days, actual time served.

Lewis was employed as a chauffeur, and while driving an automobile accidentally struck a man employed in the Street Cleaning Department and killed him. Lewis was never arrested or convicted of any crime prior to this one. He has a wife and three children. The children are five years, three and one-half years and one year of age. This man's minimum time would be up on June twenty-first of this year. His family is in dire need of his assistance.

Taking into consideration all the facts and curcumstances of this case, I have commuted this man's sentence so that he may be released to take care of his family.

April 2, 1920. Vincenzo Nasca. Convicted in New York county of the crime of attempted kidnapping, and sentenced in April, 1917, to Sing Sing Prison for 6 years minimum; 15 years maximum.

Commuted to 3 years and 15 days minimum; 15 years maximum.

Judge Rosalsky, who presided at the trial, recommends that this man's sentence be commuted so that he would be released after serving three years — actual time.

Acting upon the recommendation of the judge, I have reduced this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

April 2, 1920. Frederick Underhill. Convicted in Bronx county of assault, second degree, and sentenced in January, 1919, to Sing Sing Prison for a definite term of 4 years.

Commuted to 1 year, 2 months and 19 days minimum; 4 years maximum.

This man has a wife and two small children dependent upon him for support. While his entire record has not been of the best, it appears that since his former sentence — up to the time of the crime for which he is now in prison — he had led a good life. The judge and district attorney take the position that in view of the family conditions of this man, clemency might well be exercised. For the purpose of permitting him to assist his family, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

April 2, 1920. John Bardacini. Convicted in Montgomery county of murder, second degree, and sentenced in February, 1915, to Clinton Prison for 20 years minimum; life maximum.

Commuted to 5 years, 1 month and 24 days minimum; life maximum.

This man has had an excellent prison record and his application for clemency is recommended by Judge Van Kirk, who presided at the trial, who advises me that in his opinion five years' punishment for the crime and the circumstances under which it was committed, is sufficient, and he recommends this prisoner's release. The assistant district attorney of Montgomery county, at the time of the prosecution of Bardacini, has also recommended that he believes the prisoner has been sufficiently punished.

In view of the recommendations in this case, I have commuted the sentence of this man so that he may be released under and subject to the jurisdiction of the Parole Board.

April 12, 1920. Albert Glanzrock. Convicted in Bronx county of robbery, first degree, and sentenced in May, 1917, to Sing Sing Prison for a term of 8 years and 6 months. This sentence was to become operative after this man had served a term in the Elmira Reformatory for a crime for which he was convicted in Kings county. Glanzrock was received at prison on June 21, 1918.

Commuted to 1 year and 10 months minimum; 8 years and 6 months maximum.

If nothing were done for this prisoner, his term would expire on October 25, 1923. He has a wife and two small children, all of whom were here to see me, who are greatly in need of his assistance, and for that reason alone I have commuted his sentence to time actually served so that he may be released under parole and be allowed to take care of his family. If he fails to behave himself, he can be taken back to prison immediately and be compelled to serve out the balance of his unexpired term. He will be under the supervision of the Parole Board for at least two years, and taking into consideration the facts of the case, I have concluded that the State would gain nothing by keeping this man in prison for a longer time.

April 14, 1920. John Koski and Ladislaw Kushminski. Convicted in Queens county of burglary, first degree, and grand larceny, second degree, and sentenced by Judge Humphrey in March, 1915, to not less than 5 years nor more than 9 years and 6 months each.

After these men had served something over a year, it was determined that their sentences were illegal. They were returned to court and the sentences were corrected by Judge Humphrey, who imposed upon them a sentence of 10 years minimum; 15 years and 6 months maximum, in each case.

At the time of the resentence of these two men, the judge stated to them in open court that when the minimum of the original sentence had expired, it application were made for executive clemency, he would recommend that same be granted. Application for clemency was made in behalf of these two men, and the judge, acting upon the statement made by him in 1916 at the time of the resentence, is on record in a statement to the Governor, as follows:

> "At the time of correcting the sentence, I told these men that when the minimum of the original sentence had expired, if an application were made for executive clemency, I would recommend that it be granted. That period is now approaching and I make such recommendation."

In view of the recommendation by Judge Humphrey, I have commuted the sentence of these two men to 5 years, 1 month and 10 days minimum; 15 years and 6 months maximum.

This commutation will permit these men to be released under and subject to the jurisdiction of the Parole Board.

April 22, 1920. Daniel W. Talcott. Convicted in Rensselaer county of grand larceny, first degree, and sentenced in December, 1918, to Clinton Prison, for a term of 2 years and 6 months minimum; 7 years and 8 months maximum.

Commuted to 1 year, 4 months and 7 days minimum; 7 years and 8 months maximum.

Judge Howard, who presided at the trial, advises me that he believes that this is a case where executive clemency should be exercised; in fact, he states that at the time of the conviction, he thought that the matter should have been adjusted without the man going to prison.

Upon the recommendation of the judge, I have commuted Talcott's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

April 23, 1920. Bernard Redman. Convicted in Erie county of manslaughter in the first degree, and sentenced in June, 1911, to Auburn Prison for a term of 10 years minimum; 20 years maximum.

Commuted to 8 years, 9 months and 23 days, actual time.

This man is now confined in the Dannemora State Hospital, and I am advised by the Medical Superintendent of that hospital that Redman can as well be taken care of in a civil hospital as where he is at present. His minimum time has expired, and if he were absolutely sane he would have been released from prison under parole. It is thought that if transferred to the Buffalo State Hospital, where his relatives could visit him frequently, it would have a good effect on his mental condition, and taking into consideration all the facts and circumstances of this case, I have commuted the sentence of Redman so that he can be transferred to the Buffalo State Hospital.

April 22, 1920. William L. Perry. Convicted in New York county of murder, second degree, and sentenced in June, 1906, to a term of 20 years minimum; life maximum.

Commuted to 13 years, 9 months and 22 days minimum; life maximum.

Judge Rosalsky, who presided at the trial, advises me under date of March, 1920.

> "In view of Perry's excellent record in prison and the time served, I believe that the ends of justice have been substantially fulfilled and I recommend a commutation of his sentence so that he may be released."

Acting upon the recommendation of the judge, and considering the facts and circumstances of Perry's case, I have granted a commutation of sentence so that this man may be released under and subject to the jurisdiction of the Parole Board.

April 27, 1920. Louis J. Simons. Convicted in Bronx county of forgery in the second degree, and sentenced in July, 1918, to Sing Sing Prison to a definite term of 6 years and 1 month.

Commuted to 1 year, 9 months and 13 days minimum; 6 years and 1 month maximum.

Recommended by Judge Gibbs, who presided at the trial, who advises me that he feels that this man has been sufficiently punished and has no hesitation in recommending his release. The district attorney of the county wherein the crime was committed makes no objections. The people from whom the money was taken advise me that they will take this man back in their employ upon his release.

Acting upon the recommendations before me in this case, I have commuted this man's sentence so that he might be released under and subject to the jurisdiction of the Parole Board.

May 3, 1920. William Walters. Convicted in New York county of murder in the first degree, for the killing in that county on March 29, 1919, of one Leo Rubin, and sentenced to be electrocuted during the week beginning May 3, 1920.

Commuted to life imprisonment.

The commutation is granted upon the recommendation of Judge Rosalsky, who presided at the trial, and the recommendation of

District Attorney Swann, who prosecuted the case, both of them stating that they earnestly recommended a commutation of the sentence to life imprisonment.

May 3, 1920. Oscar Frazier. Convicted in Dutchess county of the crime of murder, in the first degree, for the killing in that county on July 3, 1919, of one Joseph Green, and sentenced to be electrocuted during the week of May 3, 1920.

Commuted to life imprisonment.

I am granting this commutation upon the recommendation of Justice Morschauser of the Supreme Court who presided at the trial of Frazier, and who has recommended to me over his signature, under date of April 17, 1920, that he believes that a commutation to life imprisonment should be granted.

May 5, 1920. William Warmick. Convicted in Erie county in June, 1919, of the crime of murder, first degree. The crime consisted of the killing in the city of Buffalo of a man by the name of John William Thomas, who was a Pullman car porter.

This case was appealed to the Court of Appeals and there affirmed.

Commuted to life imprisonment.

I am granting this commutation upon the recommendation to me of the judges of the Court of Appeals.

May 10, 1920. Floyd M. Knotts. Convicted in New York county of grand larceny, first degree, and sentenced to Sing Sing Prison on March 9, 1917, to serve a term of 5 years minimum; 6 years, 6 months maximum.

Commuted to 3 years, 2 months and 13 days minimum; 6 years, 6 months maximum.

Recommended by Judge Nott, who presided at the trial, who states that he believes the ends of justice would be served if this man were released after serving three years. Knotts now has served over three years and I have accordingly commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

May 10, 1920. James Jones. Convicted in Suffolk county of murder, second degree, and sentenced in January, 1909, to Sing Sing Prison, to serve a term of 20 years, minimum; life maximum.

Commuted to 11 years, 3 months and 26 days minimum; life maximum.

Recommended by Judge Stapleton who presided at the trial, and by District Attorney Furman, who prosecuted the case.

Taking into consideration the lapse of time since these recommendations were made, in 1914, and the fact that this man has maintained an excellent prison record, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

May 10, 1920. James Green, alias James Mulcahey. Convicted in New York county of manslaughter, first degree, and sentenced in October, 1912, to Sing Sing Prison, term of 9 years, 6 months minimum; 20 years maximum.

Commuted to 7 years, 6 months and 23 days minimum; 20 years maximum.

This man's minimum time would expire October 30, 1920; I am, therefore, reducing his minimum term by four months.

The judge who presided at the trial makes a recommendation that he believes the ends of justice have been met and urges that clemency be granted. I am informed also by the officials at Sing Sing Prison where this man has been confined since 1912, that he has been faithful in the performance of his duties and a model prisoner, and is entitled for that reason to great consideration.

Taking into consideration all the facts surrounding this case, I have concluded that it is a proper one for the exercise of clemency and have therefore commuted this man's sentence so that he might be released under and subject to the jurisdiction of the Parole Board.

May 10, 1920. Irving Herman. Convicted in Kings county of assault in the second degree and sentenced in May, 1919, to Sing Sing Prison for 2 years minimum; 5 years maximum.

Commuted to 1 year, 3 days minimum; 5 years maximum.

This man's minimum term would expire in November of this year; I am, therefore, reducing his sentence by about 5 months. He has been severely punished for the crime committed, and owing to his physical condition I have concluded that the ends of justice have been satisfied, and I have accordingly commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

May 15, 1920. Charles C. Clark. Convicted in New York county of robbery in the first degree, and sentenced by Judge Foster in April, 1913, to Sing Sing Prison for 10 years minimum; 20 years maximum.

Commuted to 7 years, 1 month and 6 days minimum; 20 years maximum.

Three other men were convicted at the same time, all being implicated in this same crime, Patrick Bulger,George McVetty and Robert McVetty; all of these men have been released by having their sentence commuted to time served. It would not be fair to Clark to compel him to serve a longer time than the other three men, and for that reason I am granting a commutation of sentence in behalf of this prisoner, so that he may be released on parole.

May 15, 1920. Andre L. Stapler. Convicted in New York county of manslaughter in the first degree, and sentenced in June, 1918, to Sing Sing Prison for 5 years and 4 months minimum; 11 years, 6 months maximum.

Commuted to 1 year, 10 months and 27 days minimum; 11 years, 6 months maximum.

Owing to the standing of this man in Chicago and in New York city where he was practicing his profession, prior to the time of his conviction, and after a most careful study of the facts and circumstances surrounding the entire situation, I have reached the conclusion that the time served by Stapler has been severe punishment and that nothing could be accomplished by further confinement. I. therefore, have commuted this man's sentence so that he may be released on parole.

May 15, 1920. Raymond Callahan. Convicted in New York county of murder, in the second degree, and sentenced in June, 1917, to Sing Sing Prison for 20 years minimum; life maximum.

Commuted to 2 years, 8 months and 13 days minimum; life maximum.

The crime for which Callahan was convicted was committed in 1912 and the period between 1912 and 1917 was spent by him in the Matteawan State Hospital, after which he was returned to the court as sane, so that taking into consideration the time which he has served by being confined in the hospital, it would mean nearly eight years. Judge Nott who presided at the trial advises me that the evidence showed a lack of motive on the part of defendant to commit homicide and that inasmuch as the act was committed either under the influence of insanity or intoxication, the ends of justice would not suffer by a commutation of the man's sentence.

Taking into consideration the facts surrounding the case and as presented by Judge Nott, I have commuted this prisoner's sentence so that he may be released on parole.

May 15, 1920. Clarence La Rue. Convicted in Jefferson county in June, 1918, of burglary in the third degree, and sentenced to Clinton Prison for a definite term of 5 years and 6 months.

Commuted to 1 year, 11 months and 6 days minimum; 5 years and 6 months maximum.

Recommended by Judge Reeves who states that La Rue's sentence was much more severe than the crime warranted but being a second offender he had no alternative. The property taken was of small value. The recommendation of the judge is concurred in by the district attorney of Jefferson county. In view of such recommendations I have commuted this man's sentence so that he may be released on parole.

May 15, 1920. John Smith. Convicted in Kings county of burglary in the first degree, and sentenced in June 1906, to Sing Sing Prison for a definite term of 25 years.

Commuted to 13 years, 10 months and 26 days minimum; 25 years maximum.

Recommended by Judge Aspinall, who advises me that he believes that clemency may well be extended in this man's behalf. The prisoner is now 67 years of age and he has served nearly 14 years in prison. He has many people interested in him, who will take care of him after he is released, and taking into consideration all the facts of this case, I have commuted this man's sentence so that he may be released on parole.

May 17, 1920. Antonio Criminardi. Convicted in Chautauqua county of manslaughter in the first degree, and sentenced in July, 1913, to Auburn Prison for a term of 10 years minimum; 15 years maximum.

Commuted to 6 years, 10 months and 6 days minimum; 15 years maximum.

Recommended by assistant district attorney who prosecuted the case, who states that inasmuch as this man has served over six years. he feels that he has been sufficiently punished. I have accord-

ingly commuted this man's sentence so that he may be released on parole.

May 17, 1920. John Harty. Convicted in Kings county of attempted grand larceny, first degree, as a second offense, and sentenced in November, 1918, to Sing Sing Prison to a definite term of 5 years, 4 months.

Commuted 1 year, 6 months and 11 days minimum; 5 years, 4 months maximum.

This prisoner himself is not entitled to any consideration but he has a wife and three small children, five, three and one year old. They are in distress and dire need of his support; unable to get along except by aid of charity. For the purpose of relieving the family, I am commuting Harty's sentence so that he may be released under parole. Judge Dike in his report to me says:

> "I have had several conversations with his wife who is in dire need of his help. That is the only reason why Executive clemency should be exercised."

If this man behaves himself, the State will be better off with him at liberty and looking after his family, than to keep him confined. If he does not behave himself he can be returned to prison and be compelled to serve out the balance of his unexpired term.

May 17, 1920. Julius Strumpf. Convicted in Onondaga county of forgery in the second degree, and sentenced in April, 1918, to Auburn Prison for a definite term of 6 years.

Commuted to 2 years, 1 month and 4 days minimum; 6 years maximum.

This case has received very careful consideration by Judge Cobb, who presided at the trial and he has advised me that he is satisfied that the forgeries committed were probably committed by the prisoner's wife. The district attorney who prosecuted the case has also advised me that he believes that Strumpf is entitled to clemency.

In view of the recommendations I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

May 17, 1920. Carl Gott. Convicted in Bronx county of manslaughter, first degree, and sentenced on February 5, 1917, to Sing Sing Prison for a term of 9 years minimum; 18 years and 2 months maximum.

Commuted to 3 years, 3 months and 17 days minimum; 18 years, 2 months maximum.

Judge Delehanty, who presided at the trial of Gott, informs me that he was of the opinion that had this man been capably defended he might have been acquitted on the ground of self-defense. The prisoner is suffering from pulmonary tuberculosis and both the judge and district attorney believe that owing to his physical condition the ends of justice will be fully satisfied by the time served in prison. I have therefore commuted this man's sentence so that he may be released on parole.

May 21, 1920. Joseph McCarthy. Convicted in Bronx county of murder in the first degree, in May, 1919, and sentenced to be electrocuted during the week beginning May 24, 1920.

Commuted to life imprisonment.

This commutation of sentence is granted upon the specific recommendation of Judge McAvoy, who presided at the trial of McCarthy, and of the district attorney of the Bronx, who prosecuted the case.

June 3, 1920. Robert Harding. Convicted in New York county of robbery, first degree, second offense, and sentenced in 1907, to Sing Sing Prison for a term of 24 years.

Commuted to 12 years, 7 months and 4 days minimum; 24 years maximum.

This man has been severely punished and his term would end by expiration in January, 1922. I am therefore reducing his sentence by little over a year and 6 months. He has performed services for the State, for which the warden of the prison recommends that he receive and is entitled to consideration. Taking into account this fact and the circumstances of the whole case, I have commuted Harding's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

June 3, 1920. George Hoogbone. Convicted in Saratoga county of murder, second degree, and sentenced in April, 1910, to Clinton Prison, for a term of 20 years minimum; life maximum.

Commuted to 10 years, 2 months and 2 days minimum; life maximum.

Recommended by Judge Van Kirk, who presided at the trial of the prisoner, also by the district attorney who prosecuted the case.

In view of the recommendations in this case, I have commuted the sentence of Hoogbone so that he may be released under and subject to the jurisdiction of the Parole Board.

June 3, 1920. Walter Ziolowski. Convicted in Niagara county of murder in the second degree, and sentenced in April, 1908, to Auburn Prison for a term of 20 years minimum; life maximum.

Commuted to 12 years, 2 months minimum; life maximum.

Recommended by the district attorney who prosecuted the case. This man has always maintained a perfect prison record, and in view of this fact and the recommendation, I have commuted his sentence so that he might be released under and subject to the jurisdiction of the Parole Board.

June 3, 1920. Pasquale Ippolito. Convicted in New York county of manslaughter in the first degree, and sentenced in October, 1914, to Sing Sing Prison, for a term of 8 years minimum; 16 years maximum.

Commuted to 5 years, 7 months and 20 days minimum; 16 years maximum.

This man's minimum term would expire under the law in March, 1921. The judge who presided at the trial advises me that in view of the good conduct of the prisoner and the time served, be believes the ends of justice have been met and he recommends his release. I have therefore commuted his sentence so that be may be released under and subject to the jurisdiction of the Parole Board.

June 3, 1920. Jacavina Puglieso. Convicted in Westchester county of robbery, second degree, and sentenced in June, 1915, to Sing Sing Prison for a term of 9 years, 6 months minimum; 15 years, 6 months maximum.

Commuted to 7 years, 5 months and 5 days minimum; 15 years, 6 months maximum.

Recommended by the district attorney of Westchester county, who at the time of the trial, was the assistant district attorney,— on the ground that in his judgment the prisoner has been sufficiently punished; also recommended by Judge Pratt, who presided at the trial. I have therefore commuted the sentence of this prisoner so that he might be released under and subject to the jurisdiction of the Parole Board.

June 3, 1920. Frank Klanis. Convicted in Wayne county of murder in the second degree, and sentenced in September, 1906, to Auburn Prison for 20 years minimum; life maximum.

Commuted to 13 years, 9 months and 6 days minimum; life maximum.

This man has been severely punished and both the judge and district attorney recommended his release. He has many influential people, who are willing to look after him on his release, and I have in consideration of these facts, commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

June 3, 1920. Grover Cleveland Poole. Convicted in Nassau county of murder in the first degree, and sentenced in June, 1906, to Sing Sing Prison for a term of 20 years minimum; life maximum.

Commuted to 14 years minimum; life maximum.

There has always been a question in this case as to whether Poole actually committed the crime, or whether he was shielding someone else connected with it.

The district attorney who prosecuted the case advises me that taking into consideration the length of time that Poole has served, he believes justice has been met, and that nothing further could be gained by reason of longer detention of the prisoner.

In view of the facts and the recommendation in the case, I have commuted the sentence so that Poole may be released under and subject to the jurisdiction of the Parole Board.

June 4, 1920. Alfred P. Frankel. Convicted in New York county of grand larceny, second degree, and burglary, third degree, and sentenced in March, 1918, to Sing Sing Prison for two definite terms of 5 years each,— to run concurrently.

Commuted to 2 years, 3 months and 9 days minimum; 5 years maximuum.

This man would be eligible to be released in July, 1921, and I am therefore reducing his sentence by about eleven months.

He is suffering from tuberculosis and his relatives desire to take him to another climate for the purpose of seeking a cure. I have given the case careful consideration and have concluded to commute his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

June 4, 1920. John Slowenski. Convicted in Erie county of carrying concealed weapons and sentenced in September, 1917, to Auburn Prison for a term of 5 years and 3 months.

Commuted to 2 years, 9 months minimum; 5 years, 3 months maximum.

This man's term would end by expiration in March, 1921. I am therefore reducing his sentence by a little over 8 months.

Recommended by Judge Laing, who presided at the trial, and that recommendation is concurred in by the district attorney. In view of the recommendations I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

June 4, 1920. John Mohre. Convicted in Queens county of feloniously carrying concealed weapons, and sentenced in March, 1915, to Sing Sing Prison for a definite term of 13 years.

Commuted to 2 years, 1 month and 13 days, actual time.

This commutation permits of immediate release of the prisoner. Commutation granted on the express recommendation of the prison physician, that this man's condition was such that in his judgment it would be impossible for the man to live beyond a period of three or four months.

June 4, 1920. Herman Gross. Convicted in New York county in March, 1919, of burglary, third degree, and sentenced to Sing Sing Prison for a definite term of 5 years.

Commuted to 1 year, 2 months and 18 days minimum; 5 years maximum.

Granted upon the express recommendation of Judge Rosalsky. Released under and subject to the jurisdiction of the Parole Board.

June 4, 1920. Paul Vogel. Convicted in Erie county of criminally receiving stolen property, first degree, and grand larceny, first degree, and sentenced in November, 1917, to Auburn Prison for a term of 4 years minimum; 8 years, 7 months maximum.

Commuted to 2 years, 7 months minimum; 8 years, 7 months maximum.

This man's minimum time would expire in November, 1920; I am therefore reducing his sentence by about five months.

Clemency is recommended by District Attorney Moore, who prosecuted the case, and that recommendation is concurred in by Judge Laing, who presided at the time of the conviction. Taking into consideration the recommendations I have commuted the sentence of this man so that he may be released under and subject to the jurisdiction of the Parole Board.

June 3, 1920. Joseph Schmulowitz. Convicted in Kings county of murder in the second degree, and sentenced in 1908, to Sing Sing Prison for a term of 20 years minimum; life maximum.

Commuted to 12 years, 4 months and 17 days minimum; life maximum.

Recommended by the assistant district attorney who prosecuted the case and who advises the Governor that in his judgment this man has been sufficiently punished, and that he believes the ends of justice will be met by his release.

This man has a family dependent upon him for support, and in view of the time served, and the recommendation in the case as well, I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

June 3, 1920. Perry Johnson. Convicted in Tioga county of robbery, first degree, and sentenced in November, 1910, to Auburn Prison, for a definite term of 19 years.

Commuted to 9 years, 8 months minimum; 19 years maximum.

This man's minimum sentence would expire by commutation under the law, in March, 1922. I have therefore reduced the sentence by about a year and 9 months.

Recommended by the district attorney who prosecuted the case, who believes that the time served by the prisoner is sufficient punishment. Taking into consideration all the facts and circumstances of the case, I have commuted the sentence so that the prisoner may be released under and subject to the jurisdiction of the Parole Board.

June 23, 1920. James Tobin. Convicted in New York county of robbery, second degree, and sentenced in May, 1919, to Sing Sing Prison for a term of 5 years minimum; 10 years maximum.

Commuted to 1 year and 25 days, actual time served.

Lieutenant Governor and Acting Governor Walker today commuted the sentence of James Tobin solely on the ground that Tobin is suffering from an incurable disease of the brain, diagnosed probably as cancer or tumor, and the prison physician advises the Governor that the prisoner will not recover from it. So as to permit him to be taken care of on the outside, the Governor commuted the sentence of this man to time actually served by him.

June 30, 1920. Mahmut Blaza. Blaza was indicted for murder in the first degree in New York county for the killing in that county in 1919 of one Dervish Muhareni, and was convicted in October, 1919, of murder in the first degree, and sentenced to be electrocuted.

Thereafter the case was appealed to the Court of Appeals and the verdict of the trial court was affirmed. The Court of Appeals fixed the time during which Blaza should be electrocuted, of the week beginning July 19, 1920.

Judge Thomas C. T. Crain, who presided at the trial of this man, under date of June 23rd, advises me as follows:

"The facts are that the prisoner in conjunction with one Ralph Mosho, went to the room occupied by the deceased for the purpose of robbing him of a sum of money which he had on his person. The prisoner held the deceased and participated with Ralph Mosho in robbing the deceased. The deceased was stabbed to death by the prisoner's confederate Ralph Mosho. The prisoner did not take part in the actual killing of the deceased and in fact advised his confederate not to kill the deceased. The prisoner was tried before me and convicted by the jury of murder in the first degree and has been sentenced to death. His conviction has been upheld by the Court of Appeals. The prisoner's confederate was also indicted for murder in the first degree for killing the deceased. He was tried before Judge Mulqueen of this Court in November, 1919. The jury brought in a verdict against Ralph Mosho, finding him guilty of manslaughter in the second degree. He was sentenced to the State prison for from seven years and six months to fourteen years and six months.

"We have therefore the situation that the person who did the actual killing has been found guilty of manslaughter in the second degree, whereas, the one who participated in the robbery has been convicted of murder in the first degree.

"Under these circumstances, I am of the opinion that the application of the prisoner for Executive clemency should be granted and that his sentence should be commuted to imprisonment."

In view of the judge's recommendation I have accordingly commuted this man's sentence to life imprisonment.

July 3, 1920. Louis Gross. Convicted in New York county of grand larceny, first degree, and sentenced in June, 1918, to Sing Sing Prison for a definite term of 3 years and 6 months.

Commuted to 2 years and 4 days, actual time.

It appears that Gross while at work at Wingdale Prison broke his arm; he was thereafter transferred to Sing Sing Prison and shortly afterward broke the same arm the second time. From the statements of the prison physician it will be necessary for Gross to have an operation so as to have the bones of his arm joined together by a wire. Such an operation is a serious one and, in the judgment of the prison physician and officials there, it can better be performed on the outside instead of at the prison.

This man's time will expire in November of this year. The judge who sentenced him, some time ago advised the Governor that he thought Gross should serve a substantial portion of his sentence before being released. Gross has now served such substantial portion, and in view of the facts as set forth in this statement, I have commuted this man's sentence.

July 21, 1920. Harold V. Lamble. Convicted in New York county of grand larceny, first degree, as first offense, and sentence January 12, 1920, for a definite term of nine years and four months.

Commuted to 6 months and 8 days, actual time served.

July 21, 1920. Charles Perchand. Convicted in New York county of feloniously having and carrying fire arm after a conviction of crime, and sentenced January 23, 1919, to a definite term of 6 years and 8 months.

Commuted to 1 year, 5 months and 28 days, actual time served.

These men have been indicted in Union county, N. J., for murder. Pursuant to the request of the prosecutor of the pleas of Union county, N. J., the Governor of that State has made requisition for the return of the prisoners as fugitives from justice, and it being represented to me by the authorities of Union county that a trial would probably result in a conviction, I have commuted their sentences to actual time served and have ordered that they be surrendered to the New Jersey authorities.

July 21, 1920. Manford Stewart. Convicted in Onondaga county of grand larceny, second degree, and sentenced December 2, 1919, to 1 year and 6 months minimum; 2 years maximum, imprisonment in Auburn Prison.

Commuted to 7 months and 25 days minimum; 2 years maximum, without compensation, from December 4, 1919. This commutation is granted upon the recommendation of the judge who tried the case, and the district attorney who was the prosecutor. Stewart will be under the jurisdiction of the Parole Board, and if he commits another felony will be compelled to serve the balance of this term.

July 22, 1920. Benjamin Fleischer. Convicted in Queens county of arson, second degree, and sentenced March 31, 1919, to 10 years minimum, 20 years maximum, imprisonment in Sing Sing Prison.

Commuted to 1 year, 3 months and 23 days minimum; 20 years

maximum without compensation, from April 4, 1919. This commutation is granted upon the recommendation of the judge who tried the case and the district attorney who prosecuted it.

July 22, 1920. Arthur Moore. Convicted in Saratoga county of robbery in the first degree, and sentenced in March, 1913, to Clinton Prison for a term of 10 years minimum; 19 years, 6 months maximum.

Commuted to 7 years, 4 months and 6 days minimum; 19 years, 6 months maximum.

Recommended by Judge Salisbury who presided at the trial, and by the district attorney who prosecuted the case. I have accordingly commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

July 22, 1920. Matthew Amato. Convicted in New York county of manslaughter in the first degree, and sentenced in February, 1915, to Sing Sing Prison, for 10 years minimum; 19 years, 6 months maximum.

Commuted to 5 years, 4 months and 15 days minimum; 19 years, 6 months maximum.

This man has a mother who is very aged and who is dependent upon him for support. Taking into consideration this fact and the further fact that he has undergone severe punishment by his imprisonment, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

July 22, 1920. Umberto Maione. Convicted in Kings county of robbery, first degree, grand larceny, first degree, and assault in the second degree; and sentenced in June, 1915, to Sing Sing Prison for a term of 10 years minimum; 16 years maximum.

Commuted to 5 years, 1 month minimum; 16 years maximum.

Recommended by Judge Manning before whom Maione was convicted, and by District Attorney Lewis, who prosecuted the case. I have accordingly commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

July 31, 1920. Robert Sherlock. Convicted in New York county of assault in the second degree, and sentenced June 20, 1919, to Sing Sing Prison for a term of 3 years, 8 months.

This man's sentence is commuted upon the express recommendation of the judge before whom he was sentenced and the district attorney who prosecuted him, and for the further reason that the report of the State Commission for the Blind is to the effect that he is gradually growing blind and is in a serious condition. I doubt if the proper treatment can be given to him at Sing Sing Prison, and I am strongly of the opinion that he should be returned to his family, in order that they may take what measures they can to preserve his eyesight.

August 7, 1920. John J. Rogers. Convicted in New York county of robbery, first degree, at second offense and sentenced February 15, 1918, to Sing Sing Prison for a term of 11 years.

Commuted to 2 years, 7 months and 2 days, minimum; 14 years maximum.

This sentence is commuted upon the express recommendation of the judge before whom he was tried and the district attorney who prosecuted him. He is commuted to an indeterminate sentence so that he will be paroled in September and be under the jurisdiction of the Parole Board.

August 7, 1920. Angelo Ballichino and Michael Locognata. Convicted in Erie county of assault, third degree and sentenced May 14, 1920, to 6 months imprisonment in the Erie County Penitentiary.

These sentences are commuted upon the recommendation of the judge who tried the cases and the district attorney who prosecuted.

August 21, 1920. John W. McCafferty. Convicted in Monroe county of grand larceny in the first degree, and sentenced in February, 1919, to a term of 3 years and 8 months in Auburn Prison.

Commuted to 1 year, 7 months minimum; 3 years and 8 months maximum.

Recommended by Judge Gillette, who imposed the sentence, who advises me that owing to the condition of the prisoner's mother's health, he believes this is a proper case for the exercise of executive clemency. Acting upon the judge's recommendation and for the purpose of assisting the prisoner's family, I have commuted his sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

August 21, 1920. Jacob Smith. Convicted in Cayuga county of arson in the third degree, and sentenced to Auburn Prison June 16, 1919, for a term of 5 years minimum; 10 years maximum.

Commuted to 1 year, 3 months and 3 days minimum; 10 years maximum.

This man's conduct in prison has been good since his incarceration. He is suffering from chronic diabetes and the warden of the prison recommends his parole. In addition to the warden's recommendation, Judge Rich of the Appellate Division, residing in Auburn and well acquainted with the facts, recommends to the Governor clemency in the prisoner's behalf. From the record it appears that Judge Rich was one of the men who would have suffered the greatest loss in this case, and, taking into consideration the prisoner's physical condition as well as the recommendations made to the Governor, I have commuted his sentence so that this man may be released under and subject to the jurisdiction of the Parole Board.

August 24, 1920. Paul Favreau. Convicted in Monroe county of abandonment and sentenced to the Monroe County Penitentiary in April, 1920, for a definite term of one year.

Commuted to 4 months and 15 days—actual time served.

This will permit Favreau to be released on August 25, 1920.

Granted on the specific recommendation of Judge Gillette, who imposed the sentence. The judge writes me that he believes if this man's sentence is commuted, it will be the means of keeping his family together, and in view of the recommendation by the judge, I have commuted Favreau's sentence.

September 7, 1920. Fred DeBarberi. Convicted in Westchester county of burglary in the first degree, and sentenced January 28, 1909, to Sing Sing Prison for a term of 12 years and 6 months minimum; 17 years and 6 months maximum.

Commuted to 11 years, 7 months and 22 days minimum; 17 years and 6 months maximum.

Recommended by Judge Platt, who imposed the sentence, and by District Attorney Davis, who was assistant district attorney at the time this man was convicted. This man has been severely punished by the time served and, taking into consideration this fact, together with the recommendations of the judge and district attorney, I have accordingly commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

September 7, 1920. James Lee. Convicted in Nassau county of robbery in the first degree (four charges); grand larceny, second degree, and assault in the second degree, and sentenced to Sing Sing Prison in January, 1914, for a definite term of 20 years.

Commuted to 6 years, 7 months and 17 days minimum; 20 years maximum.

Recommended by Judge Niemann, who imposed the sentence, and by district attorney of Nassau county. The judge states in a communication to me in May of this year that he believes that under the circumstances Lee is entitled to clemency.

Taking into consideration the time which the prisoner has served and the recommendation of both the judge and district attorney, I have accordingly commuted the sentence of Lee so that he may be released under and subject to the jurisdiction of the Parole Board.

September 7, 1920. Patrick Fitzgerald. Convicted in Bronx county of assault in the second degree, and sentenced in April, 1919, to Sing Sing Prison for a term of 2 years and 6 months minimum; 5 years maximum.

Commuted to 1 year, 5 months and 6 days minimum; 5 years maximum.

This man's minimum term would expire in March, 1921, and I am, therefore, reducing the sentence by little over six months.

This man is suffering from heart disease and since his incarceration has been admitted to the hospital five different times; I am also advised by the prison physician that he will never be well, although he may live for a long time.

Judge Gibbs, who presided at the trial, and District Attorney Martin, who prosecuted the case, advise me that in view of the physical condition of this prisoner, they believe he has been sufficiently punished.

Taking into consideration all the facts of the case as presented to me, I have concluded it is a proper one for the exercise of clemency, and have accordingly commuted the sentence of this man so that he may be released under and subject to the jurisdiction of the Parole Board.

September 7, 1920. Bennie Rosner. Convicted in New York county of burglary in the third degree, and sentenced in March, 1918, to Sing Sing Prison for a definite term of 5 years.

Commuted to 2 years, 6 months and 9 days minimum; 5 years maximum.

I am reducing this man's sentence by about nine months, as his term would and and he would receive an absolute discharge in July, 1921.

On June fourth of this year I commuted the sentence of one Alfred Frankel, a codefendant in this crime with Rosner. In view of that commutation and the fact that the judge believes that Rosner should receive the same consideration that Frankel did, I have commuted the sentence of Rosner so that he may be released under and subject to the jurisdiction of the Parole Board.

September 7, 1920. Fred Hull. Convicted in Bronx county of robbery, first degree, and sentenced in December, 1916, to Sing Sing Prison for 10 years minimum; 19 years and 8 months maximum.

Commuted to 3 years, 8 months and 27 days minimum; 19 years and 8 months maximum.

Granted upon the recommendation of Judge Gibbs, who imposed the sentence, and who advises me in February of this year as follows:

> "Hull has written me a number of letters which indicate a repentant attitude, and since the defendant has served a subtsantial portion of his sentence, I think that his sentence might be commuted after he has served half of his minimum time."

Hull will have served half of his minimum sentence this month. Taking into consideration the recommendation of the judge, I have accordingly commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

September 7, 1920. Frank Kusan. Convicted in Erie county of murder, second degree, and sentenced in February, 1909, to Auburn Prison for a term of 20 years minimum; life maximum.

Commuted to 11 years, 7 months and 15 days minimum; life maximum.

Recommended by Judge Brown, who presided at the trial, and by district attorney of Erie county, where the crime was committed. It appears from Judge Browns letter, and as borne out by the report of the prison authorities, that this man has never been punished during his incarceration in prison. He has a son now fourteen years old, who is very much in need of his father's assistance. Kusan had never been in trouble before this crime was committed.

Taking into consideration all the facts of this case and the recommendations of the judge and district attorney, I have commuted the sentence of the prisoner so that he may be released under and subject to the jurisdiction of the Parole Board.

September 7, 1920. George Seymour. Convicted in New York county of assault in the first degree, and sentenced in 1917 to Sing Sing Prison for a term of 5 years minimum; 10 years maximum.

Commuted to 3 years, 4 months and 6 days minimum; 10 years maximum.

This man's minimum term would expire in February, 1921, and I am, therefore, reducing his sentence by a little less than five months.

Recommended by Judge McIntyre, who makes an urgent recommendation that the prisoner be released. I have, therefore, commuted the sentence of this man so that he may be released under and subject to the jurisdiction of the Parole Board.

September 8, 1920. Angelo Milone. Convicted in New York county of assault in the first degree, second offense, and sentenced to Sing Sing Prison for 4 years and 10 months minimum; 9 years and 8 months maximum.

Commuted to 2 years, 6 months and 23 days minimum; 9 years and 8 months maximum.

Granted upon the recommendation of Judge Crain, who presided at the trial, and who advises me:

> "I believe that if the defendant serves two years and six months, if his conduct in prison warrants clemency, it will not be inconsistent with the interests of justice to release him on parole after such service."

The prisoner's conduct in prison has been good, and in view of the judge's recommendation I have commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

September 10, 1920. George E. Coberg. Convicted in New York county in August, 1919, of the crime of bigamy, and sentenced to Sing Sing Prison in August of the same year to a term of 2 years minimum; 4 years maximum.

Commuted to 1 year, 15 days minimum; 4 years maximum.

I am reducing this man's sentence by little over five months.

It appears from the record that in 1917 this man enlisted in the United States naval service and was discharged from such service on May 8, 1918, the discharge certifying that it was not the result of any misconduct on the part of the petitioner. The record further shows that he thereafter enlisted in the United States army as a private, and from that service was honorably discharged on March 20, 1919.

His conduct in prison has been good and he has been pretty severely punished for the crime committed.

Taking into consideration all of the facts of the case, I have reached the conclusion that the State would be as well off if this man were placed on parole, as it would be compelling him to serve out the balance of his minimum time, I have accordingly commuted his sentence.

If Coberg does not behave himself while on parole, he can be returned to prison and be compelled to serve out the balance of his maximum sentence.

September 7, 1920. Joseph McCarthy. Convicted in Queens county of manslaughter in the first degree, and sentenced in March, 1915, to Sing Sing Prison for a term of 7 years and 6 months minimum; 15 years and 3 months maximum.

Commuted to 5 years, 6 months and 19 days minimum; 15 years and 6 months maximum.

This man's minimum term would expire on February 1, 1921, and I am, therefore, reducing his minimum term by a little over four months.

Recommended by Judge Van Siclen, who presided at the trial, and the district attorney of Queens county. This prisoner is suffering from tuberculosis, and taking this fact into consideration, also the recommendation of the judge, I have commuted the sen-

tence of this man so that he may be released under and subject to the jurisdiction of the Parole Board.

September 23, 1920. William Osterhout. Convicted in Herkimer county of grand larceny in the first degree, and sentenced in July, 1920, to the Herkimer county Jail for a term of 1 year.

Commuted to 2 months and 3 days — actual time served.

Granted upon the recommendation of the judge, the district attorney and the sheriff of the county where the crime was committed, who state that this man has rendered valuable assistance in locating the others connected with the crime.

September 27, 1920. Isidore Berman. Convicted in New York county in December, 1919, to Sing Sing Prison for the crimes of attempted grand larceny, second degree, and grand larceny, second degree, and sentenced to serve two terms; one of 1 year and 3 months minimum; 2 years and 6 months maximum, and the second of 5 years straight.

Commuted to 9 months and 10 days — actual time served.

I am advised by the prison authorities and especially the prison physician, that this man has been suffering from heart disease ever since his incarceration; the disease being termed by the doctor a malignant endo-carditis, and which, I am advised, is generally fatal. The physician advises me under date of September 14, 1920, that this man may live a month or two, but that he would not be surprised if he should pass away in a very short time. The Warden of the prison also recommends Berman's release on account of his physical condition.

For the purpose of permitting Berman to go home and be with his mother, I am commuting his sentence.

September 29, 1920. Arthur Miller. Convicted in New York county of criminally receiving stolen property, first degree, and sentenced to Sing Sing Prison in February, 1920, for a term of 1 year and 6 months minimum; 3 years maximum.

Commuted to 7 months and 25 days minimum; 3 years maximum.

This man's minimum term would expire February 19, 1921, and I am, therefore, reducing his term by about four months. This commutation will not allow him to be released until the latter part of October, when the Parole Board meets.

Recommended by the district attorney who prosecuted the case, as follows:

> "He has been of help to the district attorney's office before and after his conviction, and has now been in prison for about six months. He left behind him a wife and two children of very tender age, one about two years old and the other about a year old. It was his first conviction and is a case that may appeal to your good judgment, as one where commutation would be deserving."

That this man has a wife and two small children who are in need of his help, has been well established, and I can see no good reason for making them suffer for a period of four more months, when this man can be released now to take care of his family. If he fails to behave himself, he can immediately be returned to prison.

After a careful consideration of the facts of the case, and the

recommendation of the district attorney, I have commuted Miller's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

November 8, 1920. Adolph Leichen. Convicted in New York county of arson, second degree, and sentenced in March, 1916, to Sing Sing Prison for a term of 12 years minimum; 15 years and 6 months maximum.

Commuted to 4 years, 7 months and 22 days minimum; 15 years and 6 months maximum.

I am advised by the Warden that this man has been employed as a trusty in the hospital of the prison and has rendered valuable services there, and that on account of such services he is entitled to great consideration. His release is also recommended by Judge Delehanty, who presided at the trial.

Taking into consideration the recommendation of the judge and the prison officials, I have accordingly commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

November 9, 1920. Roy Wengert. Convicted in New York county of grand larceny, second degree, and sentenced to Sing Sing Prison in April, 1918, for a definite term of 5 years.

Commuted to 2 years, 6 months and 18 days — actual time served.

I am reliably informed by the prison physician at Clinton Prison, that this man is in the last stages of pulmonary tuberculosis. His parents are anxious to take him with them to Harrisburgh, Pa., so that he might be with them during his severe illness. I have accordingly commuted his sentence.

November 8, 1920. Tony Marino. Convicted in New York county of manslaughter in the first degree, and sentenced in December, 1914, to Sing Sing Prison for a term of 6 years minimum; 12 years and 6 months maximum.

Commuted to 3 years, 11 months and 12 days minimum; 12 years and 6 months maximum.

This man's minimum time would expire June 13, 1921. The judge before whom this man was tried has recommended to me that Marino be allowed the time he spent in the Toombs awaiting his trial. I have accordingly reduced Marino's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

November 23, 1920. Barney King. King was convicted in Richmond county of assault in the second degree, and sentenced in March, 1920, to Sing Sing Prison for 2 years and 6 months minimum; 4 years and 6 months maximum.

Commuted to 6 months and 5 days minimum; 4 years and 6 months maximum.

Granted for the reason that the judge who presided at the trial of King and his two codefendants, advises me as follows:

> "I must honestly confess that I am of the opinion that had King demanded a separate trial, and the same evidence was produced in his behalf as that which I heard in the trial of all three, I am inclined to think that he would have been acquitted."

In view of the statement of the judge in this matter, I am commuting this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

November 26, 1920. Gregorio Gallo. Convicted in Queens county of rape in the second degree, and sentenced in December, 1917, to Sing Sing Prison for a term of 5 years minimum; 7 years and 6 months maximum.

Commuted to 2 years, 10 months and 13 days minimum; 7 years and 6 months maximum.

Granted upon the express recommendation of Judge Humphrey, who presided at the trial, and the district attorney, who prosecuted him. Judge Humphrey advises me that at this time he feels that clemency in this case may properly be exercised. I have accordingly commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

November 26, 1920. William Signor. Convicted in Albany county of murder in the second degree, and sentenced in December, 1912, to Clinton Prison for 20 years minimum; life maximum.

Commuted to 8 years minimum; life maximum.

Granted not only upon the recommendation of the judge and the district attorney, but also upon the recommendation of the former Warden of the prison, who advises me as follows:

> "Ever since coming to prison, Signor has been one of the most valuable men in the institution. He has been assigned to positions of trust and has filled them to the satisfaction of those in authority. Because of his good services he certainly is worthy of consideration."

I have commuted the sentence so that Signor may be released under and subject to the jurisdiction of the Parole Board.

November 26, 1920. Herbert R. Minte. Convicted in New York county of attempted grand larceny, second degree, and sentenced in April, 1920, to Sing Sing Prison for a term of 1 year and 3 months minimum; 2 years and 6 months maximum.

Commuted to 8 months and 5 days minimum; 2 years and 6 months maximum.

Minte had always borne a good reputation prior to this conviction; never had been in trouble before. On his trial he pleaded guilty and rendered valuable services to the State in disclosing the transactions. The judge who presided at the trial advises me as follows:

> "In view of the assistance rendered to the State by Minte, his age, etc., I believe it a proper case for the exercise of clemency."

Taking into consideration all the facts of this case and the statement of the judge, I have commuted this prisoner's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

November 26, 1920. John J. Wright. Convicted in Oneida county of violation of section 2460 of the Penal Law, and sentenced in March, 1918, to Auburn Prison for a term of 7 years and 9 months minimum; 10 years and 6 months maximum.

Commuted to 2 years, 8 months and 24 days minimum; 10 years and 6 months maximum.

Granted upon the express recommendation of the judge and district attorney, who advise me as follows:

"Under all the circumstances involved, we feel that the ends of justice will have been met and an act of charity been performed if Wright shall receive his parole.

Taking into consideration the facts of this case and the positive recommendation above referred to, I am commuting this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

November 26, 1920. Edward Warner. Convicted in Ontario county of receiving stolen property, and sentenced in November, 1919, to Auburn Prison for 2 years minimum; 4 years and 6 months maximum.

Commuted to 1 year, 17 days minimum; 4 years and 6 months maximum.

After a careful examination of the facts in this case, I feel that the sentence received for the crime committed was too severe, and I have reduced it so that he may be released under and subject to the jurisdiction of the Parole Board.

November 26, 1920. Robert Cochrane. Convicted in New York county of robbery in the first degree, and sentenced in February, 1919, to Sing Sing Prison for 2 years and 6 months minimum; 4 years and 6 months maximum.

Commuted to 1 year, 9 months and 15 days minimum; 4 years and 6 months maximum.

This man's sentence would expire on the seventeenth of January next. I am commuting it to the time served in order that he may be home with his mother for Christmas. This action is taken first because of his good prison record while incarcerated and, second, because of the recommendation of Judge Malone of the Court of General Sessions, who presided at this trial.

December 6, 1920. David Akin. Convicted in Wyoming county of rape in the second degree, and sentenced in March, 1918, to Auburn Prison for a term of 4 years minimum; 8 years and 6 months maximum.

Commuted to 2 years, 9 months and 4 days minimum; 8 years and 6 months maximum.

Granted upon the express recommendation of the judge who presided at the trial, who believes that he should be credited with the time which he served in jail prior to his conviction, which is a period of over nine months. Had he been allowed that time, his sentence would have terminated some time ago.

December 6, 1920. John Cooke. Convicted in New York county of grand larceny, first degree, and sentenced in April, 1918, to Sing Sing Prison for a term of 5 years to 10 years.

Commuted to 2 years, 7 months and 14 days minimum; 10 years maximum.

Granted upon the favorable recommendation of Judge Crain, who presided at the trial. The judge informs me that the father of this prisoner has come to him with a very strong appeal, and he has been presented facts which constrain him to recommend clemency.

In view of the recommendation of the judge, I have commuted

the sentence of this man so that he may be released under and subject to the jurisdiction of the Parole Board.

December 6, 1920. Salvatore Trifo. Convicted in Ontario county of robbery, first degree, and sentenced in November, 1918, to a minimum of 4 years and 6 months; 8 years and 7 months maximum.

Commuted to 2 years and 1 month minimum; 8 years and 7 months maximum.

Granted upon the recommendation of Judge Baker, who presided at the trial, who advises me that with a good prison record, clemency should be extended after this prisoner had served two years.

December 6, 1920. Vincenzo Granetelli. Convicted in Ontario county of robbery, first degree, and sentenced to serve a term ot 5 years and 6 months minimum; 10 years and 8 months maximum.

Commuted to 2 years, 1 month minimum; 10 years, 8 months maximum.

Granted upon the recommendation of Judge Baker, who presided at the trial, who advises me that he believes with a good prison record after serving two years, that clemency should be extended.

December 6, 1920. Frank B. Chambers. Convicted in New York county of attempted robbery in the first degree, and sentenced in April, 1919, to Sing Sing Prison for a term of 3 years and 6 months minimum; 7 years and 6 months maximum.

Commuted to 1 year, 7 months and 20 days minimum; 7 years and 6 months maximum.

Granted upon the express recommendation by the judge who presided at the trial, who states that he believes the prisoner has been amply punished for the crime committed.

December 6, 1920. Ernesto Leporino. Convicted in New York county of robbery, first degree, second offense, and sentenced in 1914 to Sing Sing Prison for a definite term of 20 years.

Commuted to 5 years, 11 months and 21 days minimum; 20 years maximum.

Granted upon the express recommendation of Judge Mulqueen, who states that the prisoner has many friends who are anxious to help him; also, that his wife has had a hard struggle to maintain the family, and the defendant expresses a firm determination to live an honest life in the future; that the ends of justice in his opinion will be served if the sentence of this prisoner is commuted at this time.

The Warden of the prison where Leporino is confined also recommends consideration.

Acting upon the recommendation by the judge, I have commuted the sentence of this man so that he may be released under and subject to the jurisdiction of the Parole Board.

December 6, 1920. John Neil. Convicted in New York county of grand larceny in the second degree, and sentenced in January, 1920, to Sing Sing Prison for 2 years and 6 months minimum; 4 years and 6 months maximum.

Commuted to 11 months and 4 days minimum; 4 years and 6 months maximum.

Granted upon the recommendation of District Attorney Swann, who advises me that owing to the previous good reputation of the prisoner and his extreme youth, he believes that the time already served is sufficient for the crime committed.

December 6, 1920. Anthong Alloy. Convicted in Queens county of arson in the second degree, and sentenced in April, 1913, to Sing Sing Prison for a definite term of 10 years.

Commuted to 7 years, 1 month and 8 days minimum; 10 years maximum.

Granted upon the recommendation of Judge Humphrey, who states that "In view of the prisoner's good record in prison, and the fact that he has less than a year to serve, his release at this time will be an inspiration to make good on his parole.

December 7, 1920. Dominic Gerdevine. Convicted in Orange county of murder in the second degree, and sentenced in May, 1914, to Auburn Prison for a term of 20 years minimum; life maximum.

Commuted to 6 years, 6 months and 20 days minimum; life maximum.

This man was originally convicted in 1913 of murder in the first degree. The court granted him a new trial and on his second trial he was convicted of murder in the second degree and sentenced to serve 20 years to life. Taking into consideration the time he has been in prison—about eight years—and the recommendation in his behalf by Judge Mills, who presided at the trial, and by the district attorney of Orange county, I have commuted this man's sentence so that he may be released under and subject to the jurisdition of the Parole Board.

December 7, 1920. Arthur Avery. Convicted in Albany county of grand larceny, second degree, and sentenced in December, 1919, to Clinton Prison for a term of 2 years and 6 months minimum; 5 years maximum.

Commuted to 11 months and 16 days minimum; 5 years maximum.

Granted upon the recommendation of Judge Addington, who states that be believes this sentence should be commuted to time already served by Avery.

December 7, 1920. Frank A. Harlander. Convicted in Erie county of manslaughter, first degree, and sentenced in December, 1916, to Auburn Prison for 7 years minimum; 19 years and 5 months maximum.

Commuted to 4 years and 4 days minimum; 10 years and 5 months maximum.

This man has been severely punished by the time already served and he has dependent upon him parents of 69 and 70 years of age. The judge who imposed the sentence states that there are many extenuating circumstances in the case and much in the prisoner's favor; that if clemency is granted, he believes the ends of justice will be served, taking into consideration the time already served by the prisoner.

In view of the recommendation made and the facts surrounding this case, I have commuted the sentence so that this man may be released under and subject to the Parole Board.

December 8, 1920. Henry Bray. Convicted in Oneida county of robbery, first degree, and sentenced in November, 1917, to Auburn Prison for a term of 5 years minimum; 7 years and 6 months maximum.

Commuted to 3 years and 19 days minimum; 7 years and 6 months maximum.

I am reducing this man's sentence by a little over eight months, as his term, if kept in prison to serve out the minimum, would expire in August, 1921.

December 8, 1920. Tony Lochacki. Convicted in Niagara county of manslaughter, first degree, and sentenced in December, 1917, to Auburn Prison for 6 years and 3 months minimum; 12 years and 6 months maximum.

Commuted to 3 years minimum; 12 years and 6 months maximum.

Recommended by Judge Fish, who presided at the trial, and by the district attorney, who prosecuted the case. In view of these recommendations, I have accordingly commuted this man's sentence.

December 8, 1920. John Belfiore. Convicted in Kings county of manslaughter, first degree, and sentenced in June, 1918, to Sing Sing Prison for a term of 6 years minimum; 12 years maximum.

Commuted to 2 years and 6 months minimum; 12 years maximum.

Granted upon the recommendation of Judge Gallagher, who presided at the trial, who voluntarily recommended that this man's sentence be commuted so that he might be released under and subject to the jurisdiction of the Parole Board.

December 15, 1920. Alvin W. Swenson. Convicted in Bronx county of grand larceny, first degree, and sentenced in January, 1920, to Sing Sing Prison for 2 years minimum; 5 years and 7 months maximum.

This man's minimum time would expire June 14, 1921. I am, therefore, reducing the sentence by about six months. This commutation is granted also upon the recommendation of the judge and district atorney; also, the president of the bank from which the money was taken.

December 13, 1920. Herman Altman and David Tannenbaum. Convicted in Richmond county of assault, second degree, and sentenced in March, 1920, to Sing Sing Prison for a term of 2 years and 6 months minimum; 4 years and 6 months maximum.

Commuted to 9 months, 10 days minimum; 4 years, 6 months maximum.

These commutations are granted upon the express recommendation of the district attorney of Richmond county, which communication is on file in the Governor's office in these cases.

December 15, 1920. John Sladick. Convicted in Onondaga county of manslaughter, second degree, and sentenced in April, 1919, to Auburn Prison for a term of 3 years minimum; 5 years maximum.

Commuted to 1 year, 7 months and 22 days minimum; 5 years maximum.

This man's minimum time would expire July 27, 1921, and I am, therefore, reducing his sentence by about six months. Clemency is recommended, also, by Judge Cobb, who presided at the trial, and by the district attorney who prosecuted the case.

December 16, 1920. Andrew Di Carlo. I have given much thought and careful study to the Andrew Di Carlo case, and after a most thorough consideration of all the facts and circumstances in connection with the crime committed, I am unable to reach the conclusion that this man should pay the extreme penalty of the law.

It appears from the record that the jury which convicted this man was out for a period of six and one-half hours and that they repeatedly returned to the court for instructions as to the different degrees of homicide, or for the degrees of crime for which this man might have been convicted. This fact alone proves to me that there was a reasonable doubt in the minds of the jury as to whether Di Carlo should have been convicted of murder in the first degree, or of some lesser crime. I am solving that doubt in my mind by commuting the sentence of Di Carlo to life imprisonment.

December 20, 1920. James Flannagan. Convicted in Bronx county of robbery in the first degree, and sentenced in March, 1916, to Sing Sing Prison for a term of 16 years and 5 months.

Commuted to 4 years, 9 months and 10 days minimum; 16 years and 5 months maximum.

This commutation is granted upon the express recommendation of the judge and district attorney — Judge Gibbs, who presided at at the trial, and District Attorney Martin of Bronx county — also recommended by the prison physician, the recommendations being based solely upon the fact that this man is gradually growing blind.

I have accordingly commuted this man's sentence so that he may be released under and subject to the jurisdiction of the Parole Board.

December 30, 1920. Samuel Goldberg. Convicted in New York county of manslaughter, first degree, and sentenced in December, 1915, to a term of 10 years.

Commuted to 5 years, 1 month and 9 days minimum; 10 years maximum.

I am reducing this sentence by eleven months in order that this man may have an opportunity to take care of his children and his mother-in-law, who has cared for them as best she could during his term in prison. I am assured that steady employment awaits this man, and I make that statement only after personal investigation.

December 30, 1920. Samuel Edinger. Convicted in Erie county of receiving stolen property, and sentenced in May, 1920, to a term of 2 years minimum; 5 years maximum.

Commuted to 8 months minimum; 5 years maximum.

I am commuting this sentence first because of the condition of this man's family; he has a wife and three children living upon the charity of relatives, who are, themselves, not in a very good position to meet the needs of the family; his wife, herself, is helpless, having a young baby born to her on the day her husband went into prison. Aside from this, he has served a substantial portion of his sentence. Second, because I am further moved to a commutation by the facts set forth in the letter of the district attorney, "that upon the trial of the defendant, the jury disagreed."

December 30, 1920. Anna Gold. Convicted in Kings county of grand larceny, second degree, as a first offense, and sentenced in March, 1919, to 3 years and 6 months.

Commuted to 1 year, 9 months and 14 days minimum; 3 years and 6 months maximum.

By commutation, I am reducing this sentence by a little less than eight months. She has served a substantial portion of her sentence and her husband, who is a well-to-do business man, has given me assurance that upon her release he will take care of her.

December 30, 1920. Willet J. Springsteel. Convicted in Westchester county of murder in the second degree, and sentenced in June, 1904, for 20 years minimum; life maximum.

Commuted to 16 years, 6 months and 17 days minimum; life maximum.

I am commuting this sentence to the time actually served. If he were convicted of murder in the second degree today he would be required to serve under the law but a period of 15 years. Inasmuch as this man has served additional time and is past seventy years of age, and always had an excellent prison record, I am taking one and a half years off his sentence so that he may be released on parole.

December 30, 1920. Giovanni Manghavita (alias Manglavita). Convicted in Kings county of assault in the first degree, second offense and sentenced in May, 1913, to a definite sentence of 20 years.

Commuted to 7 years and 8 months minimum; 20 years maximum.

I am commuting this sentence upon the express recommendation of Judge Fawcett of the Supreme Court, who writes me on December twentieth of this year that he favors a commutation of this sentence to the time already served in order that he may be put under jurisdiction of the Board of Parole.

December 30, 1920. John Walsh. Convicted in New York county of assault in the second degree, second offense, and sentenced in September, 1919, to a definite term of 5 years and 3 months.

Commuted to 1 year, 3 months and 11 days minimum; 5 years and 3 months maximum.

I am commuting this sentence to the time served in view of the communication from the district attorney, under date of December 10, 1920, which apparently throws a new light upon the case. The man was given an extraordinary sentence of 5 years and 3 months for assault. I am satisfied after a careful study of the case and of the district attorney's statement, that the ends of justice will be served if the sentence is commuted to the time already served by the prisoner.

December 30, 1920. Joseph Murphy. Convicted in New York county of murder in the second degree, and sentenced in October, 1912, to 20 years minimum; life maximum.

Commuted to 9 years, 2 months and 22 days minimum; life maximum.

Commutation is granted in this case upon the specific recommendation of Judge Rosalsky of the Court of General Sessions, who says:

> "I am of the opinion that the prisoner has been substantially punished for his crime and that the interests of justice will be served if Your Excellency will commute the sentence to the term of imprisonment which he has already undergone."

December 30, 1920. Charles Benjamin. Convicted in Orange county of murder in the second degree, and sentenced in February, 1913, to a term of 20 years to life.

Commuted to 7 years, 10 months and 19 days minimum; life maximum.

This commutation is granted upon the express recommendation of Judge Mills of the Appellate Division of the Supreme Court, who convicted Benjamin. Judge Mills advises me that be believes that in the interest of justice this commutation should be granted. His reasons are set forth in great detail in the case now on file in the Governor's office.

December 30, 1920. Tony Brutto. Convicted in Bronx county of abduction and attempted rape, first degree, and sentenced in December, 1919, to 5 years minimum; 9 years and 7 months maximum.

Commuted to 1 year and 1 month minimum; 9 years and 7 months maximum.

This commutation is recommended by Judge Gibbs, who presided at the trial, and by District Attorney Martin of the Bronx; also at the request of the injured girl in the case, who assures me that she is ready and willing to marry this man upon his release.

December 31, 1920. Zekeman Islam. Convicted in Chautauqua county of manslaughter, first degree, and sentenced in January, 1918, to Auburn Prison for a term of 10 years to 17 years and 4 months.

Commuted to 2 years, 11 months and 18 days minimum; 17 years and 4 months maximum.

I am commuting the sentence of this man to the time served upon the express recommendation of the assistant district attorney, who prosecuted the case, and of the judge of the Supreme Court, who sat in the trial of the case. These specific recommendations are in the files in the office of the Governor.

December 31, 1920. Robert Gallagher (Gallaher). Convicted in New York county of forgery, third degree, and sentenced in January, 1920, to serve a term of 2 years and 6 months minimum, 4 years and 6 months maximum.

Commuted to 1 year and 3 months minimum; 4 years and 6 months maximum.

I have commuted this sentenced in order that this man may actually serve a year and three months. In view of his previous good record and the substantial offer of employment made by a very reputable business house, so that he may be able to take care of his wife and children. I feel that the ends of justice will be met when he will have served a year and three months — actual time. Thereafter, he will be placed under the jurisdiction of the Board of Parole.

December 31, 1920. John Elkenburg. Convicted in Fulton county of murder in the second degree, and sentenced to Clinton Prison, March 31, 1917, to 20 years minimum; maximum, 9 years and 3 months.

Commuted to 7 years and 6 months minimum; 20 years maximum.

This commutation is recommended by the late Judge Salisbury,

who sat in the trial of this man — that this defendant be permitted to go out on parole. That, in view of all the circumstances, I am not willing to do, but I do believe that the ends of justice will be met if John Elkenburg's sentence is reduced to a period of 7 years and 6 months minimum; 9 years and 3 months maximum — the same sentence that was imposed upon his wife, who was jointly tried with him.

RESPITES

January 5, 1920. Walter Bojanowski. Convicted in Erie county of murder, first degree, and sentenced February, 1919, to be executed.

Respite granted until week beginning April 5, 1920; March 25, 1920, further respite granted until week beginning September 6, 1920.

January 28, 1920. Richard Harrison. Convicted in New York county of murder, first degree, and sentenced January, 1919, to be executed.

Respite granted until week beginning March 1, 1920; February 19, 1920, further respite granted until week beginning April 5, 1920; April 7, 1920, further respite granted until week beginning May 10, 1920.

February 4, 1920. James Cassidy. Convicted in Bronx county of murder, first degree, and sentenced January, 1919, to be executed.

Respite granted until week beginning February 23, 1920; February 19, 1920, further respite granted until week beginning April 26, 1920; April 29, 1920, further respite granted until week beginning May 24, 1920; May 22, 1920, further respite granted until week beginning August 2, 1920; July 31, 1920, further respite granted until week beginning December 6, 1920.

February 4, 1920. Charles F. McLaughlin. Convicted in Bronx county of murder, first degree, and sentenced January, 1919, to be executed.

Respite granted until week beginning February 23, 1920; February 19, 1920, further respite granted until week beginning April 26, 1920; April 29, 1920, further respite granted until week beginning May 24, 1920; May 22, 1920, further respite granted until week beginning August 2, 1920; July 31, 1920, further respite granted until week beginning December 6, 1920.

February 4, 1920. Joseph Usefof. Convicted in Bronx county of murder, first degree, and sentenced January, 1919, to be executed.

Respite granted until week beginning February 23, 1920; February 19, 1920, further respite granted until week beginning April 26, 1920; April 29, 1920, further respite granted until week beginning May 24, 1920; May 22, 1920, further respite granted until week beginning August 2, 1920; July 31, 1920, further respite granted until week beginning December 6, 1920.

February 19, 1920. Joseph Milano. Convicted in Bronx county of murder, first degree, and sentenced January, 1919, to be executed.

Respite granted until week beginning April 26, 1920; April 29, 1920, further respite granted until week beginning May 24, 1920; May 22, 1920, further respite granted until week beginning August

2, 1920; July 31, 1920, further respite granted until week beginning December 6, 1920.

April 12, 1920. Chester D. Cantine. Convicted in Dutchess county of murder in the first degree, and sentenced June, 1919, to be executed.

Respite granted until week beginning May 10, 1920.

May 21, 1920. James M. Byrd. Convicted in Ulster county of murder in the first degree, and sentenced May, 1919, to be executed.

Respite granted until week beginning July 19, 1920.

June 23, 1920. John Egan. Convicted in Bronx county of murder in the first degree, and sentenced October, 1919, to be executed.

Respite granted until week beginning August 23, 1920.

August 20, 1920. Michael Casalino. Convicted in Queens county of murder in the first degree, and sentenced June 17, 1919, to be executed.

Respite granted until week beginning December 13, 1920; December 6, 1920, further respite granted until week beginning February 7, 1921.

August 24, 1920. Andrew DeCaro. Convicted in Chemung county of murder in the first degree, and sentenced December, 1919, to be executed.

Respite granted until week beginning November 15, 1920; November 5, 1920, further respite granted until week beginning December 13, 1920.

December 15, 1920. Jesse Walker (alias Reklaw). Convicted in Kings county of murder in the first degree, and sentenced March, 1920, to be executed.

Respite granted until week beginning February 7, 1921.

XI

MISCELLANEOUS

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XI

MISCELLANEOUS

A History of the Reconstruction Commission

December 18, 1920.

Beginning his administration just after the armistice of November, 1918, that brought the World War to a close, Governor Smith realized that he faced a most difficult period in the history of the State. In his first message to the Legislature in January, 1919, he referred to the period of reconstruction in its relation to State policies and stated that he planned to appoint a Commission to assist him in initiating a progressive program for the State at this period so as to utilize as far as possible the lessons emphasized by the war experience of the State.

On January 20, 1919, in a message to the Legislature informing them of the appointment of the Commission, the Governor said: "The affairs of the world are in such a state that the people who have passed through the fire of war are demanding progress in government. Let us seize the opportunity to do things which will be most helpful to the permanent well-being and comfort of all our citizens."

The following members were appointed:

Abram I. Elkus,
George Foster Peabody,
Addison B. Colvin,
Norman E. Mack,
Mrs. Walter W. Steele,
John G. Agar,
William M. K. Olcott,
Henry Dwight Chapin,
Charles H. Sabin,
Mrs. Lewis Stuyvesant Chanler,
Mortimer L. Schiff,
Edward F. Boyle,
Carleton A. Chase,
Dr. Felix Adler,
S. J. Lowell,
Michael Friedsam,
Mrs. Ella Hastings,
Alfred J. Johnson,
M. Samuel Stern,
John C. McCall,
J. N. Beckley,
Mrs. Sara A. Conboy,
Peter Brady,
Charles P. Steinmetz,
Gerrit Y. Lansing,
John Alan Hamilton,
Otto B. Shulhof,
Richard S. Newcombe,
Alfred E. Marling,
Henry Evans,
Arthur Williams,
Bernard M. Baruch,
Mrs. William H. Good,
Thomas V. Patterson,
Thomas J. Quinn,
V. Everit Macy.

In brief outline there is here presented a chronology of the events in the life of the Commission. Each of its committees has presented a detailed report of activities with recommendations, where the work of the committee was of such a nature that it lent itself thereto. To these reports reference must be made for the details of the work of the Commission. These reports are published under the following heads:

March 20, 1919 — Report asking that Fifty Thousand Dollars be appropriated to aid State Employment Bureaus.
April 7, 1919 — Preliminary Report on Demobilization, War Department Regulations and Unemployment in New York City.
April 7, 1919 — Report on Military Training for Boys.
April 14, 1919 — Report on Business Readjustment and Unemployment.
April 14, 1919 — Report on Public Improvements in Progress, Not Started and Contemplated.
May 14, 1919 — Report on Americanization.
June 17, 1919 — Permanent Unemployment Program.
June 28, 1919 — Report on Rural Motor Truck Express.
October 19, 1919 — Report on Reorganization in the State Government
October 24, 1919 — Report on Public Health and Reconstruction.
January 30, 1920 — Report on Food Production and Distribution.
March 22, 1920 — Report on Housing Conditions.

The Legislature refused an appropriation of the small sum of $60,000 for the establishment of the Commission, although it was asked for from a large fund remaining from the appropriations unquestioningly made to the State Council of National Defense. The members of the Commission, feeling that a public duty rested upon them, decided to find means for financing the work themselves. They accordingly found public support and raised the sum of approximately $44,000.

The Commission organized on the evening of January 25, 1919, meeting at the call of the Governor in the City Hall, New York City. Mayor John F. Hylan of New York welcomed the Commission and assured them of the co-operation of the city authorities and placed at the disposal of the Commission, headquarters in the Hall of Records.

Governor Smith addressed the Commission, emphasizing the fact that if the Commission was to perform constructive service for the State and desired to recommend progressive measures, it was essential that they study financial problems. He brought forcibly to the attention of the Commission the changes in available revenues brought about by the enactment of the prohibition amendment, and stated that new sources of revenue would have to be found for the State or retrenchment entered upon to such an extent that it would be possible to administer the State in spite of the curtailing of its revenues; undoubtedly the State would find its administration more costly than at any previous period.

Following the Governor's address, Hon. Abram I. Elkus was elected Chairman of the Commission and Gerrit Y. Lansing, W. M. K. Olcott and Mrs. Sara A. Conboy were elected vice-chairmen. Mr. Charles H. Sabin was elected Treasurer and Mrs. Henry Moskowitz, Secretary.

The meeting adjourned to the following morning, Saturday, January 26th. Upon convening at 11 A. M., the Commission in executive session adopted a rule creating an Executive Committee, consisting of the officers, chairmen of committees and Mrs. William H. Good, Mr. Michael Friedsam and Hon. Edward F. Boyle as members at large.

The following committees were appointed:

Taxation and Retrenchment:
Alfred E. Marling, *Chairman*
Charles H. Sabin
Carleton A. Chase
S. J. Lowell
Thomas V. Patterson
Alfred J. Johnson
Thomas J. Quinn
Henry Evans
Michael Friedsam

Housing:
John Alan Hamilton, *Chairman*
Dr. Felix Adler
Mrs. Wm. H. Good
Peter J. Brady
Mrs. Lewis S. Chanler
V. Everit Macy
Arthur Williams
Alfred E. Marling
M. Samuel Stern
Mrs. Walter W. Steele

Unemployment:
John G. Agar, *Chairman*
Charles P. Steinmetz
Mrs. Walter W. Steele
Norman E. Mack
Sara A. Conboy
Peter J. Brady
Michael Friedsam

Education (including inquiry into military training, Americanization, etc.):
Dr. Felix Adler, *Chairman*
M. Samuel Stern
Mrs. Harry Hastings
Peter J. Brady
George Foster Peabody
S. J. Lowell
Michael Friedsam
Mrs. L. S. Chanler
Charles P. Steinmetz
John G. Agar
Mrs. Sara A. Conboy

Food Production and Distribution: Resettlement of Land:
Thomas V. Patterson, *Chairman*
Addison B. Colvin
S. J. Lowell
Arthur Williams
Mrs. Sara A. Conboy
Mrs. Lewis S. Chanler
V. Everit Macy
Mrs. Walter W. Steele
J. N. Beckley
Gerrit Y. Lansing

Inquiry into War Emergency Measures, Etc. (Exclusive of Military Training Law):
Wm. M. K. Olcott, *Chairman*
Edward F. Boyle
Richard S. Newcombe

Public Health:
Dr. Henry Dwight Chapin, *Chairman*
John G. Agar
John C. McCall
Mrs. Harry Hastings
M. Samuel Stern
Charles P. Steinmetz
Peter J. Brady

Business Readjustment:
Alfred J. Johnson
Charles H. Sabin
Gerrit Y. Lansing
Michael Friedsam
Thomas J. Quinn
Mortimer L. Schiff
Carleton A. Chase
J. N. Beckley
Otto B. Shulhof
Alfred E. Marling
Bernard M. Baruch
Henry Evans
Addison B. Colvin

Industrial Problems, Legislation, Strikes, Etc.:
V. Everit Macy, *Chairman*
Charles P. Steinmetz
Dr. Felix Adler
Alfred J. Johnson
Peter J. Brady
Carleton A. Chase
Norman E. Mack
Mrs. Sara A. Conboy
Otto B. Shulhof
George Foster Peabody

Drafting of Legislation:
R. S. Newcombe, *Chairman*
Henry Evans
John G. Agar

Demobilization:
Mrs. Wm. H. Good, *Chairman*
Mrs. Walter W. Steele
Mrs. Sara A. Conboy
Mrs. Harry Hastings
Michael Friedsam
Thomas J. Quinn
Alfred J. Johnson

Special Committee on Conversion of United States Army Hospitals:
Addison B. Colvin, *Chairman*
Charles H. Sabin
Richard S. Newcombe

Finance Committee:
Charles H. Sabin, *Chairman*
William M. K. Olcott
Edward F. Boyle
Alfred E. Marling
George Foster Peabody

At the meeting of the Commission on January 26th, taxation, demobilization and unemployment were discussed. Immediately following this meeting, the committees organized for work.

The Commission adjourned to meet in Rochester, subject to the call of the chair.

A number of meetings of the full Commission were held: On January 30th, the Commission met in Albany to assist in mediating a threatened shutdown in the textile industries that would cause the unemployment of over 40,000 persons. The mediation was successful.

Other general meetings of the Commission were held on February 8th, February 27th in Buffalo, the morning of March 8th in Rochester, evening of March 8th in Syracuse, March 12th in New York, March 31st in Queens, April 11th in New York, May 13th in Brooklyn, May 21st in Albany, June 9th in New York, September 24th and October 23rd, 1919, New York. At all of the Commission meetings, reports of the committees were received and acted upon.

At public hearings held by the Commission or its various committees, housing, food production and distribution, co-operative organizations, vehicular tunnel between New York and New Jersey, military training, Americanization, demobilization, unemployment, reorganization of the State Government and permanent progressive policies for the State were discussed, as well as any local questions that were brought to the attention of the Commission at its public hearings in Rochester, Syracuse, Buffalo and Albany.

The Executive Committee met weekly and adopted a rule that the reports of committees should first be presented to the Executive Committee and after being acted upon there they were to be submitted to the individual

members of the Commission and were not considered adopted until favorably voted on by a majority of the members of the Commission.

The Committee on Unemployment, under the chairmanship of Mr. John G. Agar, held a number of meetings and conferences with interested agencies and served in conjunction with the Committee on Demobilization, of which Mrs. William H. Good was chairman. The War Department co-operated and sent for conference officers in charge of demobilization in the district. The Commission was able to allay many rumors that were disquieting to New York State and the surrounding territory in relation to the methods of demobilization in use by the War Department. The two committees on Unemployment and Demobilization recommended a joint committee of representatives from each of the more important soldiers' placement and relief agencies of the State whose special duties would be to keep in touch with demobilization and to work co-operatively. Such a committee was appointed and later developed into joint employment committees for discharged soldiers and a special bureau where information concerning demobilized men was obtainable.

Under date of March 20, 1919, the Commission forwarded to Governor Smith the report of the Committee on Unemployment, calling attention to the need of immediate action by the State to provide a substitute for the Federal employment system which was to be curtailed at that time. The Commission recommended:

> "*First.*— That the fullest co-operative relationship should be maintained with the Federal Service, as it will be constituted under the new arrangement and in the future, under whatever new appropriation Congress may make that will enable them to assume increased responsibility.
>
> "*Second.*— That the State proceed immediately to strengthen and enlarge the State system of employment agencies. You will remember that you referred to this Commission for report the request of the State Industrial Commission for enlarged appropriations looking to the improvement of the State Employment Service.
>
> "*Third.*— That the Governor urge upon the Legislature the necessity for immediately appropriating the sum of $50,000 to be expended during the remainder of the present fiscal year, by the State Industrial Commission, for public employment offices."

The Commission also made various other recommendations looking to the co-operation of the mayors of cities and volunteer and public agencies of every kind as well as organized labor. The Governor transmitted this message to the Legislature requesting them to make immediately available an appropriation of $50,000 for the employment bureaus of the State Industrial Commission. This was immediately granted by the Legislature.

The Commission made a final report on Unemployment suggesting a permanent unemployment program. This was under date of June 17, 1919. Among other recommendations a permanent program was presented which could be put into effect through the State Industrial Commission:

> "(*a*) The organization of the labor market to bring about extensive dovetailing of winter and summer trades and to stimulate the use of subsidiary trades.
>
> "(*b*) Directing labor to new occupations when changes of industrial structure result in displacement from chosen occupations.
>
> "(*c*) Reserving certain places in industry for older men and women, and leaving the younger generation the task of finding and forcing fresh openings for themselves.
>
> "(*d*) Concentrating attention upon the need for industrial training, including 'vestibule' training where such training does not lead to blind alley employment, training in plants to increase efficiency while gainfully employed, and training in trade and business schools. Issue in co-operation with the State and city departments of education annual bulletins outlining the courses of training in schools for all schools, colleges, etc., open to persons seeking vocational education.
>
> "(*e*) Directing boys and girls away from 'blind alley' employment.

"(*f*) Testing periodically and comprehensively the amount of unemployment and publishing bulletins based on the most complete figures which can be obtained.

"(*g*) In cases of seasonal employment or depression, urging employers to shorten hours rather than discharge employees.

"5. Authorize and require the State Industrial Commission through the Bureau of Employment to obtain during the first three months of each year from the several State departments and localities current information regarding all public works projected and under construction and to publish this information annually in April in summary form.

"6. Appoint an informal committee composed of representatives of the State departments principally concerned with public improvements and of the State Industrial Commission to study data thus obtained in conjunction with data regarding employment and business conditions currently gathered by the State Industrial Commission, and to call in April or May an annual conference of all public works authorities throughout the State to discuss engineering, financial employment and other common problems. This committee should vigorously prosecute all public improvements whenever business depression and unemployment threaten, and report upon the need, if any, of compulsory action to secure the deferment of public works and the establishment of public works reserves."

The Committee on Unemployment participated in a number of conferences concerning the continuation of the Federal Employment Service and the Commission upon recommendation of the Committee on Unemployment urged that the Federal Employment Service should act as a clearing house and standardizing agency, and advocated federal subsidy for employment service to assist in the creation of adequate State Employment Agencies.

The United States Employment Service called a conference in Washington to discuss Federal organic legislation on employment service, and Mr. John G. Agar, Chairman of the Unemployment Committee, represented the Commission.

At the Conference of Governors and Mayors held in Washington on March 3, 1919, Mr. George Foster Peabody, at the request of the Governor, represented him and the Reconstruction Commission.

The Committee on Business Readjustment, composed of the business men and bankers on the Commission under the chairmanship of Mr. Alfred J. Johnson, held a number of meetings and made a very careful study of the business prospects in relation to unemployment with especial reference to the relation of public improvements to the general situation. They reported to the Governor on the subject of Business Readjustment and Unemployment under the date of April 14th. The work of this committee assembled for the first time a definite summary of facts concerning the amount of public work actually available throughout the State, and published a report on Public Improvements in Progress, Not Started and Contemplated, in three sections as follows:

1. County Roads and Town Highways.
2. Cities.
3. State Departments.

This committee pointed out that is was possible to stimulate the construction of public works that would greatly relieve any threatened unemployment and set forth a possible program that would be available in case an unemployment crisis faced the State.

In accordance with the message from the Governor, the Committee on Education, under the inspiring chairmanship of Professor Felix Adler, took up first the study of the Military Training Commission in order to determine whether it was necessary to continue such a Commission, and reported to the Governor under date of April 17th. This committee made a very thorough inquiry and recommended that the duties discharged by the Military Training Commission be included within the functions of the State Department of Education. The report on this subject stated:

"We have reached the conclusion, after numerous hearings and careful consideration of the subject, that military training of a technical character for boys 16, 17 and 18 years of age is inadvisable, and we, therefore, recom-

mend that any features of military training which may continue to be used shall be employed solely for such values as they may have in physical, mental and moral development.

"In view of the alarming disclosures of defective physique in connection with the recent draft, and in order that the State may possess citizens of sound body, better enabled to fulfill their duties, whether in peace or in war, we recommend that health instruction and all round physical development, including supervised games, receive the greatest possible attention in the schools of the State, and that whatever appropriations be necessary for this purpose may be generously furnished.

"We recommend the establishment of compulsory continuation schools for boys and girls who are at work up to the eighteenth year, and that in the curriculum of such schools a sufficient number of periods each week be set aside for physical culture.

"We recommend that as soon as the necessary funds can be supplied, State camps be established for boys of the high-school age, as a means of inculcating in them habits of self-control, deference to rightful authority, and the democratic attitude towards their fellows."

The Governor transmitted the report of the Reconstruction Commission concerning Military Training for Boys to the Legislature, and a bill was introduced, carrying out the recommendations of the Commission, transferring the functions of the Military Training Commission to the Department of Education. The bill failed of passage in the Legislature of 1919. Although similar recommendations were included in the Governor's annual message to the Legislature of January, 1920, and the bill was again introduced, it again failed of passage. During both legislative sessions the bill received the support of many educational and civic organizations. This support has been growing and a feeling that the Military Training Commission places an expenditure of nearly half a million dollars a year upon the State for an unnecessary and unwelcome function has now become so strong that it is probable that the Commission will be abolished at the next session of the Legislature.

Under date of May 14, 1919, the Reconstruction Commission, upon recommendation of the Committee on Education, reported to the Governor concerning Americanization. They pointed out that there are approximately 400,000 illiterates in the State above the age of ten. The Committee stated that the removal of illiteracy was not the whole or chief object of Americanization. "To learn to think as Americans, to feel as Americans, to act as Americans, are the three objects to be jointly pursued. Faith in the possibilities of democracy must be built up. Minority rule, whether autocratic or revolutionary, must be rejected. The American habit of accepting the verdict of the majority must be deeply inculcated." The recommendations of the Commission therefore were embodied as follows:

"1. We recommend that the annual fund at the disposal of the State Department for Americanization be increased as far as the financial condition of the State will permit.

"2. We recommend the enactment of a bill establishing continuation schools for boys and girls at work under eighteen years. In such continuation schools, instruction in the English language and at least in the elements of American history would be included. All of those at present illiterate under eighteen years of age would thereby be reached.

"There is at present a law on the statute books attempting to attain the same end by imposing a fine for the employment of illiterate minors under 18 years of age. But this law is not generally enforced or enforceable. A law establishing continuation schools for all minors whether illiterate or not would not be open to the same objection.

"3. The Committee recommends, finally, that lectures and stated courses in American institutions and ideals be authorized and developed more than they have been in the past. The Committee believes that in such lectures the use of the foreign tongue, instead of being forbidden, should be allowed and even encouraged as a necessary provisional means of conveying the essential American point of view to the foreigners who intend to make their home with us.

"4. In addition to the above recommendations the following was added by the Executive Committee as a substitute for a recommendation which was submitted by the Committee on Education:

"As for persons over 18 years of age who are unable to read and write the English language, some form of compulsion to acquire the language should be provided."

Through the New York State Food Commission, the Commission secured the co-operation of a competent staff, whose services were for a time volunteered to the Commission, and a thorough study of the problems of food production and distribution was made. The Chairman, Mr. Thomas V. Patterson, was one of the most conscientious and beloved members of the Commission. It is with deep regret that we record his death, December 4, 1920. This Committee held many meetings and a number of public hearings. It secured the co-operation of committees representative of the dealers in food products, heads of transportation departments of railroads and other groups directly concerned in food production and distribution. A number of questionnaires were issued concerning municipal markets, retail grocers, wholesale grocers, retail butchers, wholesale butter, cheese and eggs, and wholesale vegetables and fruits.

Under date of June 28, 1919, the Commission upon recommendation of the Committee on Food Production and Distribution transmitted a report on Rural Motor Truck Express to the Governor, recommending that a temporary non-salaried State Highways Transport Committee on the development of rural motor express routes be appointed by the Governor, and, in accordance, the following committee was appointed:

Frederick Stuart Greene, State Commissioner of Highways.
William E. Dana, State Department of Farms and Markets.
Peter G. Ten Eyck, Albany.
James E. Boyle, Ithaca.

F. W. Fenn, representing the National Automobile Chamber of Commerce.

The Commission transmitted reports to the Governor upon recommendation of the Committee on Food Production and Distribution concerning Terminal Markets, problems of production and distribution and milk. The recommendations in these reports concern the strengthening of the powers granted to the Departments of Farms and Markets and amendments to the Cold Storage Law and Weights and Measures Law as well as measures to control many forms of exploitation.

The Commission recorded itself as in favor of creating a regulatory body for the regulation and control of the milk distribution business in first and second class cities, consisting of members who would be qualified to deal with the technical problems of the administration of the milk industry. The Commission suggested detailed methods of carrying out such regulation and also made provision for cities other than those of the second and third class, so that these could voluntarily place themselves under such regulation. These recommendations were based on the assumption that milk being a necessary article of food, it constitutes a public utility.

The Committee on Public Health, with Dr. Henry Dwight Chapin actively at its head, held seven public hearings, three of which were devoted to a consideration of health insurance. The Committee was greatly aided in the preparation of its report by the cordial co-operation of the State and city departments. Under date of October 24, 1919, the Commission, on recommendation of the Committee on Public Health, forwarded a report to the Governor on Public Health and Reconstruction. The recommendations of this report cover health measures for the

1. Reduction of mortality of children under six years of age.
2. Safeguarding the health of the child of school age.
3. Relief and prevention of sickness among adults.

Detailed studies of living conditions throughout the State are presented in the Committee's full report and also detailed suggestions for carrying out the health program proposed. It is a commentary on this report that after its transmission to the Legislature by the Governor there was introduced with the co-operation of the State Department of Health legislation to carry its

recommendations into effect, and that this legislation will be the basis of the public health effort and program of the State for years to come.

The Committee on Housing found itself with a very difficult series of problems to consider. Its Chairman, Mr. John Alan Hamilton, of Buffalo, was for many years interested in housing and brought to the subject a wide social experience.

The Committee on Housing was fortunate in securing the volunteer assistance of Mr. Clarence S. Stein, architect of New York City, who acted as Secretary and directed the work of the Committee with a thoroughness and unselfish purpose that have made the reports of the Commission a valuable contribution to the solution of the housing problem.

The Committee immediately associated with itself an advisory council in New York City and one in Buffalo, to which reference is made in the report of the Committee.

This Committee had not only to consider the permanent housing problem of the State but the pressing situations brought about by the housing shortage also clamored for attention.

The Legislature of 1919 appointed a joint committee on housing with which the Commission found itself in cordial co-operation. The Committee on Housing also co-operated with the committee on rent profiteering appointed by the Mayor of New York City. A questionnaire was issue to up-state cities on the general subject of housing. A mass of material was collected relating to the subject of housing, not only for New York City, but throughout the State and throughout the country. Through questionnaires, public hearings and conferences of every kind, the committee gathered its information. Under date of May 10th, a brief report was made to the Governor and he was requested to call a conference in New York City to see if some means of relief could not be found for the existing shortage of houses.

On June 2nd, the Commission made a brief report favoring the exemption of mortgages and bonds of the State Land Bank from income taxation.

No report can adequately set forth the amount of work covered by the block surveys made by the Housing Committee. In the report of the Committee on Housing Conditions, only the briefest reference has been possible. Visiting 40,000 individual apartments alone in a period of a few weeks was an achievement seldom equaled in thoroughness and rapidity with which it was completed.

The report of the Committee on Housing was submitted to the full Commission on October 23, 1919, but referred back for a revision of its recommendations. These were finally adopted in March, 1920, and under date of March 22, 1920, the Commission, on recommendation of the Housing Committee, transmitted to the Governor a Report on Housing Conditions.

Every phase of the housing problem was carefully studied and the Commission finally recommended a law requiring the appointment of local housing boards in communities having a population over 10,000, members of such boards preferably to serve without pay, and for the appointment of a central housing agency for co-ordination of local effort. These boards were to be charged with duty of

a. Aiding each locality in meeting the immediate pressing need for sufficient homes.

b. Collection and distribution of information relating to housing and community planning.

c. Assisting in the preparation of housing laws, zoning ordinances, state wide regulatory or restrictive housing and building codes, etc.

d. Study of the means of lowering the cost of housing through better planning in the construction of homes and through their proper location.

e. Development of a means for using State credits to apply to housing at low rates of interest without loss to the State. To set the standards for the use of such credits and to fix limitations upon the return of money borrowed from the State for housing purposes. To assist in the most practical manner possible in the erection of adequate homes in wholesome environments for workers at a rental cost dependent on the actual cost of land and building.

The majority of the members of the Commission also recommended the enactment of a Constitutional Amendment permitting extension of State credit

on a large scale and at low rates to aid in the construction of moderate priced homes. A minority of the Commission, while concurring in a law creating local housing boards and a central State agency, desired that the duties of these boards be confined to study and report rather than active enactment of legislation, permitting State or municipal credits.

As a result of the efforts of the Housing Committee of the Reconstruction Commission in co-operation with the Joint Legislative Committee on Housing, prizes for an architectural competition for the remodeling of old law tenements so as to make them decent and wholesome living places, were established. Six thousand dollars were subscribed: by Alfred E. Marling, who gave $2,500; Vincent Astor, who gave $2,500; and the New York Foundation, $1,000. The competition was held under the auspices of a special committee consisting of Messrs. Allan Robinson, Alfred E. Marling, Edgar A. Levy, Clarence S. Stein, Andrew J. Thomas, Burt Fenner, D. Everett Waid, Robert D. Kohn, Alexander M. Bing, Hon. Frank Mann, Tenement House Commissioner; Senators Charles C. Lockwood and John J. Dunnigan; Miss Lillian D. Wald and Mrs. Henry Moskowitz.

The program and plans of the competition have received widespread attention and it resulted in an adequate study of old law tenement conditions, offering much material that should be suggestive and useful in the utilization of these houses.

The Report on Housing was submitted to the Legislature of 1920 but no action was taken thereon. The Committee on Housing continued its studies and conferences and during the summer of 1920, when it became apparent that it was necessary to call a special session of the Legislature, the Governor again put forward the recommendations of the Reconstruction Commission for the consideration of the Legislature. While the bills received more attention at the hands of some of the members of both houses, they were not enacted into law but they still form a permanent housing policy for the State.

In August, 1919, the Commission called the attention of the Governor to the industrial unrest that was at that time prevalent throughout the State. The suggestion was made that the Governor call a conference of representatives of the public, of workers and of employers to endeavor if possible to work out a constructive program for the prevention of strikes and to bring about arbitration and mediation.

Such a conference was held in Albany and was attended by a large group of representatives of these various industries. The conference was addressed by Governor Smith and a general discussion took place which resulted in a proposal that the Governor appoint a Board consisting of three representatives of labor, three of employers and three of the public to constitute a special board, whose duties would be largely concerned with the prevention and mediation of strikes. The conference agreed upon this plan with the added instruction that the representatives of labor and representatives of employers should submit to the Governor lists of names from which the representatives of these two parties at interest should be chosen. As a result the Governor appointed on September 25, 1919, a Labor Board consisting of:

Representing Labor:

JAMES P. HOLLAND, *President of the State Federation of Labor.*
T. M. GUERIN, *Vice-President of the State Federation of Labor.*
HUGH FRAYNE, *National Organizer of the American Federation of Labor.*

Representing Employers:

W. D. BALDWIN, *President of the Otis Elevator Company,* Yonkers.
SAUL SINGER, *representing the Needle Industries of the State,* 136 Madison Avenue, New York City.
EDWARD J. BARCALO, *President of the Barcalo Manufacturing Co.,* Buffalo.

Representing the Public at Large:

Lieutenant-Governor HARRY C. WALKER of Binghamton.
Adjutant-General CHARLES WHITE BERRY of Brooklyn.
EDWARD S. WALSH, *Superintendent of Public Works of the State of New York,* of Brooklyn.

Messrs. Singer and Barcalo, representing employers, having resigned, Messrs. A. E. Lefcourt and Sidney Detmers were appointed in their places.

The Committee on Taxation and Retrenchment considered the State Income Tax Bill as presented to the Legislature of 1919, and after discussing a general business tax bill and other possible new sources of revenue for the State, finally determined that the program most advisable was a retrenchment in State expenditures to be brought about by the reorganization of State departments and the adoption of an executive budget. This Committee under Mr. Alfred E. Marling, then also President of the New York State Chamber of Commerce, met weekly and studied the reports of the staff with the greatest care. They had also the benefit of the expert guidance of Governor Smith, who was frequently consulted on practical as well as technical points, and of former Governor Hughes and many other present and former administrative officials. A competent staff of experts under the direction of Mr. Robert Moses as Chief of Staff was organized. The Report of the Commission on the Reorganization of State Government has attracted wide attention and is undoubtedly the basis upon which the State must reorganize itself if it is to go forward. There rallied behind this report a great body of supporting public opinion. From Buffalo to New York City the plan of reorganization proposed has been discussed and endorsed by organizations and individuals having the best interests of the State at heart.

Every organization such as the Reconstruction Commission must necessarily be ahead of the time which it serves. Frankly, it was the intent of the Commission to establish in the fluid period just after the war, when opinion was still plastic, standards and ideals of progress to which the State might grow for years to come. If a reconstruction period means anything at all, it means the utilization of such a time to put the State's house in order, to do away with what proved under test of great emergency to be unfitted for the strain and to prepare the citizenship and the administration of its government to meet the future with better results.

It is gratifying to note that in every line of the Commission's activities, just such a result has been more than achieved. Results of such an undertaking should not all be measured in terms of legislative enactment. Yet, even here, the Commission has had measurable success. Not alone has the program been made but practical steps toward accomplishment have been initiated. Reluctantly, even the 1920 Legislature, hostile in the last degree to the establishment of the Commission, has passed alternative forms of the constitutional amendments calculated to begin the plan of State reorganization. Much remains to be done but an ideal has been set forth by which the State will measure the accomplishments of years to come.

The housing program put forward by the Commission has been endorsed by State-wide and local civic and social agencies and must ultimately be adopted as the policy of the State.

There is a growing conviction that the report advocating the abolition of the Military Training Commission as well as that urging a proper program of Americanization are correct and they too will become part of the State program.

There is no question that the program of public health outlined will be incorporated in the activities of the State.

The purpose of the organization has been more than fulfilled; called together to advise the Governor in a difficult period, it has done more than this. It has not rested with setting forth an academic program but has given the State a practical ideal and a workable program.

It is interesting to note that at a public hearing before the Reconstruction Commission in April, 1919, several speakers urged that some permanent agency of the State be established, similar to the Commission. Mr. Walter Lippmann suggested the establishment of a permanent organ of research and consultation for the guidance and assistance of the Legislature and the Eexcutive.

The Commission desires to express its appreciation of all the co-operation which it has received from civic, educational and social agencies of every kind as well as individuals whose financial and moral support made possible the carrying through of this work. To a loyal, enthusiastic and able staff

much appreciation is due. The Commission appreciates the privilege that has been accorded it of serving a progressive Executive whose sympathy and expert assistance contributed much toward the final success of the Reconstruction Commission and the page it has been permitted to write in the history of New York.

Staff of the Reconstruction Commission:

HERSCHEL H. JONES
JOHN J. POLLOCK
ISIDOR FINKELSTEIN
ERIC SINGER
J. G. WETZLAR
FLOYD FISKE
HELEN E. REDDING
EDNA C. BRYNER
MATILDA HAUCK
MILDRED L. ROSEMAN
ANNE QUELLER

Committee on Retrenchment:

ROBERT MOSES, *Chief of Staff*
CHANNING E. SWEITZER
MORRIS B. LAMBIE
ARTHUR E. BUCK
RICHARD MACKENZIE
JOHN M. GAUS
JOHN H. JOHNSON
GEORGE CARRINGTON
ANNE PAGE
SEDLEY H. PHINNEY
RENEE SELIGMAN

Statement by the Governor on the signing of the Nurse Practice Bill

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, May 11, 1920

It is with satisfaction that I affix my signature to the Nurse Practice Bill on this, the one hundredth anniversary of the birth of Florence Nightingale.

It is my belief that this legislation will be a benefit not only to the nurses, but to the entire public of this Commonwealth in designating and licensing persons competent to care for the sick and injured. I believe this bill is a distinct forward step for the preservation of public health, and on this anniversary of the birth of that wonderful woman, who is really the founder of the profession of nursing, it gives me great pleasure to have the opportunity of thus taking part in commemorating the great service which she and her followers have rendered to mankind throughout the world.

This country in common with all others can never repay the debt of gratitude that civilization owes to the " Rose of No Man's Land," our own Red Cross Nurse.

(Signed) ALFRED E. SMITH.

Statement by the Governor on the signing of the bill for the Construction of the Creedmoor Division of the Brooklyn State Hospital in order to overcome the crowded conditions

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, March 3, 1920

Among the bills approved by Governor Smith yesterday was one authorizing the construction of building and plant and development of grounds at Creedmoor for Brooklyn State Hospital, Creedmoor Division, and appropriating $500,000 therefor.

This item was disapproved in last year's Appropriation Bill for the reason that a policy had not been determined upon by the State Hospital Development Commission in reference to such matter. At present the plans have been developed, so that the Hospital Commission is now in a position to proceed with the construction and development of this addition to the Brooklyn State Hospital. Such an addition is very much needed because of the crowded condition of this Hospital, and this bill was therefore approved by the Governor.

(Signed) ALFRED E. SMITH.

Statement by the Governor at the close of the Legislative Session of 1920

April 24, 1920

The Legislature of 1920, just adjourned, adds no luster to our history. The utter disregard by the members of the majority for what meant progress and welfare constitutes a formidable challenge to democratic representative government. Not only did they defeat measures that meant a gain for humanity but they attempted to move back the hands on the clock of progress. They left the State, at least for this year, without hope of any remedy to check the ever increasing cost of government, a burden which is pressing upon the shoulders of every member of the Commonwealth. Temporary expedients, calculated to allay but not cure, were in high favor. Measures intended to bring about permanent improvement for the future were brushed aside. The disciples of Bourbonism and reaction effectively controlled legislative action. The problems of the day remain unsolved and few measures of State-wide importance were considered. Political expediency overshadowed public necessity.

The party caucus was used to stifle measures that have no political significance. The welfare bills were not defeated; they were smothered. In fairness to the Senate, it must be said that it arose to the cccasion. Probably at no time in our history was there greater reason for a free and open discussion of problems of government than at this very time. The entire program of reconstruction not only met defeat but nothing was suggested in its place. Measures of sane and enlightened progress were met by a policy of represssion. What there was of leadership was political and calculated only to serve the ends of selfishness. The great forum

for public discussion was darkened, and the decisions that meant so much to the people of this State were made in a side room behind closed doors. These decisions came from the few and the many charged with responsibility either acquiesced or were helpless.

The progressive measures in the interest of humanity were decided by the party lash and the caucus gag rather than by open discussion in the forum provided by the Constitution. That the human appeal contained in measures for the relief of women and children should be stifled surpasses understanding. A well thought out, constructive program was sacrificed on the altar of politics.

I congratulate the members of the minority for their strong and vigorous fight against the forces of blind self-interest and I hasten to assure them that their day of victory is only postponed. They have behind them every right feeling and right thinking citizen.

(Signed) ALFRED E. SMITH.

Statement by the Governor on the action of the Assembly in depriving five members of the Socialist Party of their seats

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, January 13, 1920

Although I am unalterably opposed to the fundamental principles of the Socialist Party, it is inconceivable that a minority party duly constituted and legally organized, should be deprived of its right to expression so long as it has honestly, by lawful methods of education and propaganda, succeeded in securing representation, unless the chosen representatives are unfit as individuals.

It is true that the Assembly has arbitrary power to determine the qualifications of its membership; but where arbitrary power exists it should be exercised with care and discretion because from it there is no appeal.

If the majority party at present in control of the Assembly possesses information that leads them to believe that these men are hostile to our form of Government and would overthrow it by processes subversive of law and order, these charges in due form should have been presented to the Legislature and these men tried by orderly processes. Meanwhile, presumably innocent, until proven guilty, they should have been allowed to retain their seats.

Our faith in American democracy is confirmed not only by its results, but by its methods and organs of free expression. They are the safeguards against revolution. To discard the methods of representative government leads to the misdeeds of the very extremists we denounce — and serves to increase the number of the enemies of orderly free government.

(Signed) ALFRED E. SMITH.

Statement by the Governor in relation to calling the Legislature in Extraordinary Session and the issuance of Proclamations for Special Elections to Fill Vacancies in Five Assembly Districts

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *August* 12, 1920.

After a conference with several members of the Legislative Committee on Housing, at which conference I was informed that the Committee was prepared to make recommendations to the Legislature that would go a considerable distance towards relieving the acute situation throughout the State in relation to the matter of housing facilities for our people, I have decided to call the Legislature in extraordinary session to convene at the Capitol on September the twentieth.

In addition, I have been requested by individuals and organizations of citizens generally throughout the State to give an opportunity for the presentation of measures intended to bring relief. The Legislature at its regular session gave earnest consideration to the question of housing. A number of statutes were passed to affect the relations of landlord and tenant, to the end that there may be a check upon some of the abuses made possible by the shortage of buildings. These measures have undoubtedly served a useful purpose, but it was never expected that they would have any influence in curing the underlying evil. The crying need is more houses and nothing short of the active resumption of building on a large scale will bring adequate relief. This fact was emphasized in the report of the Reconstruction Commission that I submitted to the Legislature. We have had six months' experience with the recent rent legislation. I am informed that the Joint Legislative Committee on Housing has some recommendations for the strengthening of certain features of this legislation. Committees of citizens, civic organizations and officials of the cities throughout the State have been grappling with the complicated problem of housing, and no doubt from their efforts will come some suggestion looking to permanent relief.

I am setting the Extraordinary Session at a date that will give them all ample opportunity to present for consideration their suggestions along this line. Judging from the public statements made by officials of the cities, the emergency is so great that a saving of four months in the passage of helpful legislation is a gain of which advantage must be taken.

Accompanying the proclamation for the Extraordinary Session, I have issued proclamations calling special elections, on the sixteenth of September, 1920, in the five large Assembly Districts that would not be represented in the Assembly at the Extraordinary Session. I am unable to bring myself to the undemocratic way of thinking that five large Assembly districts, containing a population of approximately 250,000 people in the congested portions of the counties wherein the unrepresented Assembly districts lie, and vitally affected by the housing conditions, should be without representation in the Assembly.

(Signed) ALFRED E. SMITH.

Statement by the Governor in Connection With Celebration of Lincoln's Birthday.

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *February* 11, 1920.

The annual celebration of the birthday of great Americans affords the opportunity to reflect upon those virtues and characteristics which so distinguished them. In this connection, your attention is drawn to the discussion of the life and work of Abraham Lincoln whose birthday, February twelfth, is a legal holiday in this state.

Abraham Lincoln's life typifies the opportunities which exist for the humblest citizens. The same opportunities exist for the young man of today. There is always a chance to get ahead for those men who have ambition and initiative.

The attention of the general public is called to the thorough Americanism of Abraham Lincoln. His aim in life was to do something for his country. How well he succeeded we all know. An active interest in our country is what we all need. If each citizen bore in mind that the security of his property, the safety of his wealth, even his life, is entirely dependent upon the stability of our government, we would have far less agitation and unrest. It is not for the citizen to countenance the ravings of the anarchist or the Bolshevist. These agitators are usually aliens in the pay of foreign societies and not possessed of a single tie to bind them to America or make them stable and reliable citizens of any country.

With the thought of Abraham Lincoln's life in mind, with his intense love of his country in our hearts and with the determination to keep down and overcome the influence of the agitator, the celebration of Lincoln's birthday will assume a new lustre and significance.

(Signed) ALFRED E. SMITH.

Statement by the Governor on Teachers' Day, March 21, 1920

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *March* 18, 1920.

The request which comes to me for an expression of opinion regarding the subject of adequate teaching staffs in our schools and colleges meets with a ready response. Those who are interested in this important matter have designated March 21, 1920, as "Teachers' Day," for the purpose of calling the attention of the public to the great need of teachers in our public schools.

We know from statistics published by the Selective Service Bureau of the Adjutant General's office that about twenty-five percent of those called for service were unable to read or write English. We also know that the Bureau of Education of the United States Department of the Interior has repeatedly called attention to the great and pressing need of teachers throughout the country. Therefore, these considerations alone should impress upon those who are anxious to do some great public service the

desirability of embracing the teaching profession. There is nothing to be lost and much to be gained by so doing.

If anyone is inclined to consider the material side of the teaching profession, I would direct his attention to the fact that many of the greatest political, social and commercial leaders of our day have been teachers and college professors. The teacher is coming to his own, he is on the point of receiving the just consideration which he deserves. The profession of teaching, opening as it does the whole field of human knowledge, affords an opportunity to study and practice along many and varied lines leading to remunerative positions in public and private life as well as in professional pursuits.

I am very much interested in the success of the campaign to recruit the ranks of the teachers up to the number necessary to man our educational institutions adequately and supply the annual demands of the schools due to normal dimunition of the teaching force and the natural increase of population.

(Signed) ALFRED E. SMITH.

Statement by the Governor on Serbian National Birthday

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *March* 19, 1920.

Although more than a year has passed since the signing of the Armistice and the military forces of most of the contending nations have been disbanded, the army of Serbia is still under arms pending territorial adjustments. The manhood of Serbia is nearly exhausted by six years of continuous war, first in the Balkan campaign and later in the World War, where the gallant little nation successfully blocked the Central Powers from the establishment of a gateway to the East. In sustaining her age-old traditions of freedom, Serbia has sustained all but a death blow and has been left with a heritage of an almost bankrupt humanity.

According to authentic estimates there are half a million destitute children in this independent little nation. These children are in immediate need of medical attention, clothing and supplementary feeding. If the country is to be saved for future generations, it is incumbent upon the stronger members of the great family of nations to attend to the necessities of the children of Serbia and lend all possible assistance if the country is to retain its place among the peoples of the world.

As a duty to civilization and humanity, and in the exercise of the spirit of Christianity, we in America should share our bounty with our less fortunate brothers who have sacrificed so much and who have so nobly and heroically aided our cause by pitting their strength against that of a merciless foe.

I hope that the people of New York State will respond very generously to the appeal of the National Birthday Committee, Serbian Child Welfare Association which is now engaged in raising funds to assist the unfortunate children of Serbia.

(Signed) ALFRED E. SMITH.

The Governor on Request Endorses the Boys' Week Program

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *March* 23, 1920.

I heartily endorse the Boys' Week Program. Boys' Week appeals to me because better boys will make better citizens. Nothing can be more important to think about than the various phases of boy life emphasized in the Boys' Week Program.

We must see to it that boys, particularly the under-privileged type, shall have proper play-space, boys' clubs and more important still, that they shall have opportunities through our schools, churches, industries and other organizations to obtain the proper viewpoint toward the Republic.

The keynote of loyalty struck on May Day is the right sentiment at the right time. The future of America depends on how our boys think. Let us pursue our ideals by thinking about boys now.

If Boys' Week can only serve to focus the boy problem in the minds of the public and upon boys' work as a real method of Americanization and as an insurance policy against Bolshevism and Radicalism in the days of the future, it will have been entirely worth while. The public should give this worthy movement its unqualified approval.

(Signed) ALFRED E. SMITH.

Statement by the Governor on American Day

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *March* 23, 1920.

A movement to designate May first as "American Day" has been started with the purpose of calling the attention of the citizens of our country to the great importance of preserving the integrity of the Constitution and the institutions bequeathed by it to our people.

I approve the idea and am glad to request the people of our State to participate in the patriotic exercises of the day, that they may derive from them new inspiration and furnish those who would discredit our government and undermine the foundations of our great institutions, an edifying example of national unity and mutual cooperation.

(Signed) ALFRED E. SMITH.

Statement by the Governor on the Defeat of the Milk Commission Bill in the Senate

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 14, 1920.

It is a matter of great regret that the majority in the Senate have seen fit to defeat the bill providing for a commission to regulate the cost of production, transportation and distribution of milk.

Without regard to party affiliations, thinking men throughout the State recognize in this measure a distinct and forward step in the interests of general public health and welfare.

Humanity's cause has been sacrificed on the altar of selfish desires and the interests of the whole people have been subordinated to the wishes of the few, thoroughly misguided as to their conclusions.

(Signed) ALFRED E. SMITH.

The Governor on Request Endorses the Membership Campaign of the American Legion

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *May* 11, 1920.

Many of the young men and women of this Country who saw service in the World War have organized the American Legion. This Association has for its purpose the promotion of patriotic ideals and a spirit of mutual cooperation and assistance. It is especially designed to overcome the influence of forces tending to destroy the tranquillity of our government. The American Legion is at present engaged in a movement to extend the influence of its organization and with this end in view is endeavoring to enroll every person who saw service in the war.

The value of united action and cooperation in the achievement of high ideals needs no demonstration. It is a matter of general knowledge that thorough organization is essential to the accomplishment of any great enterprise.

I therefore heartily endorse the membership campaign which is to be undertaken by the Legion during the week commencing May seventeenth and urge that all former service men and women join in the movement, to the end that they may lend their influence to this Organization and aid in the accomplishment of its patriotic purposes.

(Signed) ALFRED E. SMITH.

The Governor on Request Endorses the Home Service Appeal of the Salvation Army — May 15th to May 25th

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *May* 12, 1920.

The work of thé Salvation Army on behalf of the needy and unfortunate is well-known to all the citizens of the State. Its constructive efforts are of especial value to all classes in these days of national readjustment.

The Salvation Army will make a Home Service Appeal for funds during the week commencing May 15th and ending May 25th.

I earnestly endorse this movement. The funds will enable the

organization to continue and enlarge upon its activities. I trust the people will respond generously to this appeal on behalf of The Salvation Army which is performing such good work in the State and Nation.

(Signed) ALFRED E. SMITH.

Statement of Governor Alfred E. Smith to the People of the State of New York on Appropriation Bills Approved

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *June* 3, 1920.

At the end of the thirty-day bill period last year, I prepared a statement of all appropriation bills with the reasons for them and what the money was to be spent for. In line with that, I am in this statement making an analysis of this year's appropriations by comparison with last year, setting forth the reason for the large increase in the appropriation bills and just what the money was appropriated for.

I very carefully examined every appropriation bill sent to me by the Legislature in order that I might determine upon the necessity for each appropriation.

At the opening of the Legislature I realized from a study of the requests for appropriations from the various State departments, that the expenditures in the next fiscal year would be much greater than the one we ar eliving in. When I sent the first message to the Legislature, I dealt only with the fixed charges of the Government and made no recommendation for new construction or betterments to existing property. I did this for the purpose of leaving myself free to deal with the appropriations in the light of an experience gained in the time between the first message and the thirty-day bill period.

In order that the statement may be readily understood, I will divide it into groups. Group No. 1 will be known as "**The Departmental Group**" and consists of the State departments of Government other than institutions which include hospitals, prisons, etc.

In 1919, the **Personal Service** was $16,413,042.81; this year it is $19,686,608.01, being an increase of $3,273,565.20. Included in this increase is $850,000 for the organization of the bureau in the Comptroller's office for the collection of the Income Tax. The balance of $2,423,565.20 represents increases in salaries made largely to the lower paid employees of the State to meet the high cost of living, and also includes as a permanent fixture the salary bonus paid to State employees during the war period. Other increases of importance occur in the accounts of equipment, supplies, traveling expenses, rent and repairs, all of which have materially increased following the trend of high prices.

The largest item in the Departmental Group is in the Department of Education, which shows an increase of $21,435,000.00, which is the additional amount of money to be distributed among

the localities to provide for the increase in salary of school teachers. With other minor and necessary increases, the total net increase in the Departmental Group is $26,997,715.82. Included in this amount is the purchase of necessary property for the transaction of the State's business. The State purchased a building in New York city for the Industrial Commission because it was found impossible to rent quarters. This building was purchased from the Y. M. C. A. for $545,000.00. The State also found an opportunity to drive a bargain and at the same time procure a much better location for the State Arsenal. The ground upon which the Arsenal now stands at Thirty-fifth street and Seventh avenue is very valuable and can be turned over at a sufficient profit to the State to build a new and modern building located on a less costly plot. While the State will eventually come out ahead on the transaction, before anything could be done, an initial appropriation had to be made to secure a new plot and building; that appropriation was fixed at $250,000.

An appropriation of $500,000 was made for betterments and more land at the Palisades Interstate Park. This appropriation was made to meet a like amount donated from private sources, which privately contributed money, I am informed, is to be used for the purchase of steamboats to take the people from New York city up the Hudson in order that they may have the benefit of the State's great natural park at Bear Mountain.

An appropriation of $225,000 for the purchase of radium to be used at the State Institute for the Study of Malignant Disease in the treatment of cancer.

Radium is practically indestructible and lasts forever. The quantity which will be purchased here will be very small, and the price looks very large; but in view of the fact that the State will have it for all time and that it is undoubtedly effective in checking the ravages of this terrible disease and can be made available to those who would be unable to receive the treatment otherwise, means in my opinion a great deal to this State.

An appropriation of $25,000 to continue the work of the Labor Board. This appropriation will allow this Board to continue the constructive work that it has done in the past year.

An appropriation of $75,000 to meet an appropriation of the United States Government for the rehabilitation of physically handicapped persons. I believe that the State, in entering upon this program of rehabilitation for disabled persons is adopting another constructive measure.

Passing from the Departmental Group, I will now take up group No. 2, known as "**The Institutional Group.**" In this are the hospitals, custodial asylums, reformatories, prisons and charitable institutions.

At the beginning of the session, I called the attention of the Legislature, after an investigation made at my request by Doctors Biggs and Bailey, to the fact that because of the low salaries offered, the State hospitals for the insane were without the necessary attendants to properly care for the patients. At one hospital

alone it was testified before the Commission that a large number of patients were kept indoors during July and August of last year because of the scarcity of attendants. In order to remedy this situation and put the State in the position of discharging its full duty to the afflicted who come under its care, I suggested that salaries be brought to a point where more and better help could be secured. In accordance with that request, the increase in personal service in all of this group was $2,229,702.12.

Because of the abnormal costs, Food, increased $869,000; Coal, increased $119,575; Clothing, increased $280,000.

The necessary new furniture required increased $228,350.

For seed and fertilizers for the farms and gardens connected with the State institutions there was an increase of $101,615.

Traveling expenses increased $16,250.

Repairs and alterations increased $189,600.

With other minor and necessary increases, the total net increase in the Institutional Group over last year is $4,134,283.02.

I will now proceed to the third group, which is known as "**Construction.**"

The principal items in Departmental construction are as follows:

For Cornell University Agricultural School, new construction	$500,000
For the Normal School at Cortland, to take the place of the one which burned down	200,000
For the completion of the Normal School at Potsdam	100,000

An appropriation of $125,000 as New York State's share toward taking over the toll bridges across the Delaware river between this State and the State of Pennsylvania.

Some time ago the State entered into an agreement with the State of Pennsylvania to acquire these bridges. Pennsylvania has lived up to her obligation, and New York is in duty bound to do the same thing. Pennsylvania's money is available and waiting for the State of New York to make good its end of the bargain.

In the Institutional Group, increases occurred only in the construction of State hospitals, which amounted to $2,824,888.38. This appropriation was made to meet the new work required on the new hospital group and provides $500,000 for the construction at the Creedmore site of the Brooklyn State Hospital. There is also provision for additional accommodations in the various State hospitals as follows: Brooklyn State Hospital, $100,000.00; Central Islip State Hospital, $450,000.00; Kings Park State Hospital, $300,000.00; Manhattan State Hospital for additional accommodation embodied in the naval hospital group $250,000.00; Middletown State Hospital $385,000.00; Utica State Hospital, Marcy division $1,300,000.00.

Under **Construction** comes the State Highway Department, by far the largest increased item. In order that it may be understood, I will subdivide it.

Maintenance and Repairs of State highways increased $2,000,000. This increase is made necessary by the increased cost of labor and materials.

State Aid to Town and County Roads increased $152,000 for the same reason.

In order to meet the allotment of the Federal Government for improved roads, commonly called Rural Post Roads, the State was obliged to increase its appropriation by $3,475,000.

Last year, $3,000,000 was appropriated to take care of the excess cost of war contracts for highway construction. It was discovered later in the year that the former Highway Commissioner underestimated the amount required for this purpose by $3,450,000. It is disputed as to whether or not the mistake was made by him or whether or not the Legislature failed to make last year the required appropriation. In either event the fact remains that this year it was necessary to appropriate $3,450,000 for this purpose, showing a net increase over last year's appropriation of $450,000.

Some years ago a State route was authorized in Greene county to be paid from the current revenues of the State. For its completion it was necessary to appropriate $190,000 which is that much increase over last year; no appropriation being made for the purpose last year.

Included in the Highway Work this year is the cost of Rondout bridge on the State highway on the west bank of the Hudson river, which amounts to $420,000.

The next item under Construction is **Public Works.** Under the head of Special Construction, which was entirely made up of appropriations to supplement appropriations heretofore made, in order that work already undertaken bv the State might be carried to completion, the State having committed to it, there was appropriated $185,800.

When it was decided by the Legislature to submit to the people, this fall, the referendum for the soldiers' bonus, we were unable, because of constitutional provision, to submit another referendum for canal construction, the Constitution providing that only one referendum authorizing bond issues can be submitted at a time. It was therefore necessary to make an outright appropriation from the current revenues of the State to continue the work of canal terminals and begin the construction of the grain elevators. This amounted to $2,625,000.

The Harlem river improvement cost $100,000. This amount was made necessary to clear the way for the improvement of the Harlem river by the Federal Government, something absolutely necessary to promote the commercial welfare of the city and State.

For the construction of the Troy-Cohoes bridge, partly owned by the State and burned down, there had to be made an appropriation of $300,000.

For progressing the work on the New York and New Jersey Tunnel there was appropriated $1,000,000, this showing a total net increase under the heading of **Construction** of $13,131,068.18.

The Legislature passed and sent to me for approval appropriation bills amounting to $142,852,056.72. I approved of $140,723,602.32, and I disapproved bills to the amount of $2,128,454.40. Last year's total appropriation was $95,840,983.77. This year shows an increase in total appropriations of $44,882,618.55. It must be borne in mind that approximately 50 percent of this is for increased salaries for school teachers throughout the State. The balance follows in line with the increased cost of everything else and also takes care of a great many activities of the State that were postponed previously because of war conditions. Deducting the $22,000,000 for teachers' salaries, the increase in the cost of government this year is but very little above the normal yearly increase.

To meet the appropriations the Comptroller estimates that the total resources for the fiscal year beginning July 1, 1920, and ending June 30, 1921, will be $153,417,736.85. These figures indicate that there will be a surplus in the State Treasury on June 21, 1921, of about $13,000,000, which, in my opinion, is not too much for the State to have in reserve for any emergency which may arise; this is particularly so in view of the fact that a large part of this income is based upon estimates which may be subject to material reductions.

I went over the appropriation bills very carefully and I did not withhold my signature from a single bill that I believed to be in the interest of this State. No necessary appropriation was vetoed, while on the other hand, the total appropriation bills of 1920 approved by me are, in my opinion, absolutely necessary for the conduct of the business of the State.

In order to properly curb State expenditure of public moneys, it will be necessary to overcome evils in our system of government which lie at the roots. Our machinery is cumbersome; we have altogether too many boards and commissions; we have entirely too much duplication of effort; there is a lack of coordination that would not be tolerated for a single moment by any well-organized business concern in the world. The State has altogether too many spending agencies removed from the control and power of the Chief Executive to whom the people naturally look.

A crying need of the State is for an executive budget, drawn and prepared by departmental heads under the supervision of and responsible to the Governor, instead of the present system of irresponsible management, giving rise as it certainly must, to the desire on the part of department heads and officers to get as much as they can.

In the main appropriation bill carrying the fixed charges, items were added by the Legislature that were not requested by the department head. Under the Constitution, I was forced into the position of either accepting the increases or denying the appropriation in toto. Coupled with the Executive Budget must come a complete reorganization of the Government. The large number of boards, officers and commissions must be reduced to a small number of State departments with a responsible head, in order that business methods and business principles may be injected

into what is now a "happy-go-lucky," "free-for-all," "do-the-best-you-can" system. I fought before and during the legislative session with all the vigor at my command to bring this about, but the majority in the Legislature were unable to see it.

I am entirely convinced that the people of the State expect an increase in the cost of government proportionate with the increases along every other line of endeavor, but they have no patience with wasteful or useless expenditures. I invite the hearty cooperation of all the officials of the State charged with the spending of public money, to see to it that the State gets a full return for all appropriations made.

(Signed) ALFRED E. SMITH.

Salaries of Postal Employees

The following letter in relation to the salaries of postal employees was sent by the Governor to each member of the House of Representatives and the two United States Senators from this State:

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *June* 3, 1920.

Dear Sir.—

Prompt and efficient service of the mail is absolutely necessary to the business interests of this State.

I am informed the postal employees are being forced by necessity to seek other employment because of the well known fact that their salary has by no means kept pace with the increased cost of living.

In our own State salary increases have been made to meet the new conditions in order that the State may be able to retain in its service its trained and efficient employees. The government can do no less and at the same time keep this important branch up to the standard of efficiency that the business interests of our State demand.

It is because of that business interest that I am writing you to use your best endeavors to have amended the report of the Postal Wage Commission, just made public, providing for increases in salary that to my mind do not adequately meet the situation.

Sincerely yours,

(Signed) ALFRED E. SMITH.

Permitting Civil War Veterans, Employed by the State to Attend the National Encampment

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *June* 16, 1920.

To the heads of all State Departments, Boards and Commissions of the State:

It has been called to my attention that the State Encampment of the Grand Army of the Republic will be held in Syracuse the week beginning June twenty-first.

Our Civil War veterans naturally will be desirous of meeting their comrades at the Encampment and I take this means of making a request to the State Department officials that those veterans who are in the state service and who desire to attend, be permitted to absent themselves from their duties without loss of compensation or time from their regular vacation.

(Signed) HARRY C. WALKER,
Lieutenant-Governor Acting as Governor.

Directing the State Comptroller to Borrow $5,000 to Meet the Emergency in the Protection of the Forests Against Fire

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *July* 13, 1920.

To HONORABLE EUGENE M. TRAVIS, *State Comptroller.*

SIR.— The State Conservation Commission having certified to me, under the provisions of subdivision one of section fifty-three of the Conservation Law, that an emergency exists whereby, through insufficient appropriation, it is found impossible to protect the forests against fires:

Therefore, by virtue of the authority conferred upon me in the above-entitled statute, I hereby direct that you borrow the sum of five thousand dollars ($5,000), to be used by the Conservation Commission in the protection of the forests against fires.

(Signed) HARRY C. WALKER,
Lieutenant-Governor and Acting Governor.

Directing the State Comptroller to borrow an additional $6,000 for the protection of forests against fires

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, August 12, 1920

To HONORABLE EUGENE M. TRAVIS, *the State Comptroller, Albany, New York:*

SIR.— I am in receipt of a letter from the State Conservation Commission, stating that an additional six thousand dollars ($6,000) will be necessary in order to care for the existing emergency in properly protecting the forests against fires.

Therefore, by virtue of authority conferred upon me by subdivision one of section fifty-three of the Conservation Law, I hereby direct that you borrow the sum of six thousand dollars ($6,000), the same to be used by the Conservation Commission for the purpose aforementioned and which is in addition to the five thousand dollars ($5,000) authorized on July 13, 1920.

Very truly yours,
(Signed) ALFRED E. SMITH.

General Philip H. Sheridan for the Hall of Fame

Letters to the Electors of the Hall of Fame of the New York University, suggesting that the name of General Philip H. Sheridan, a native of New York State, be added to the Hall of Fame

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, July 24, 1920

DEAR SIR.—I am writing to suggest for your consideration as one of those to be added to the Hall of Fame at the University of New York during the present year, the name of General Philip H. Sheridan, a native of the State of New York.

General Sheridan during the Civil War rose from the rank of Captain to that of Major General in a very short period of time. It is said that he never lost a battle. His military methods and tactics received favorable comment at the close of the Civil War by many of the war lords of the Old World. His memory is especially associated with Missionary Ridge, Cedar Creek and Five Forks. While many of the engagements in which he fought were spectacular, the result accomplished was due to the careful planning of his keen intellect and to his genius as a soldier.

It is my opinion that the people of the State of New York would like to see the name of Sheridan along with Grant and Sherman in the Hall of Fame.

Respectfully yours,
(Signed) ALFRED E. SMITH.

In relation to the application of Henry Ford and Son for license to use water power at the Federal Dam at Troy — The Governor communicates with the Federal Power Commission

COPY OF TELEGRAM

Albany, September 27, 1920

Federal Power Commission,
O. C. Merrill,
Secretary,
Interior Department Building,
Washington, D. C.

I desire to ioin with the municipalities of the Capital District, namely, the cities of Albany, Troy, Schenectady, Watervliet, Cohoes and Rensselaer, and the villages of Green Island and Waterford, represented by their Mayors, Presidents, and Chamber of Commerce, in petitioning your Honorable Body to grant the application of Henry Ford & Son for a license which will permit the use of the water power at the Federal dam at Troy, N. Y.; thereby assuring the establishment of a great tractor-manufacturing industry at that site, and thus aiding farm development and food production throughout the country.

(Signed) ALFRED E. SMITH.
Governor of the State of New York.

Efficient Development of the Plan for the Rehabilitation of Physically Handicapped Persons

Governor Smith today signed a plan of cooperation between the State Department of Education and the State Industrial Commission which provides for an efficient development of the Rehabilitation Program.

The State of New York is one of the first states in the Union to recognize the need for special consideration for the thousands of men and women who are physically disabled each year. It has been estimated that there are about 700,000 accidents of one character or another each year in this State. Of this number about one half are injured in industry and the remainder on the highways, on the streets and in the homes. According to the report of the State Industrial Commission 5074 persons in one year suffered permanent partial disability. Of this number 3068 were cases in which amputations were required. Fifty-five thousand five hundred people were granted compensation during the same year because of loss of earning power.

It has been demonstrated time and again that a cripple though disbarred by his handicap from some occupations can be fitted by special training for some trade or occupation in which he can be selfsupporting. The great increase in industrial activity during the past two decades has brought about a corresponding increment in the number of persons crippled in our large industries. At the same time an appallingly large number of accidents occur on the streets and on the highways. The waste involved in the complete or partial support by the State or large agencies of persons who might be returned to lives of usefulness, is obvious.

The plan of cooperation between the State Department of Education and the State Industrial Commission insures a close working relationship between the two important State agencies that are concerned with disabled persons. The State Industrial Commission is to report to the State Department of Education the name, address and nature of injury of each seriously injured person reported to the State Industrial Commission. The Industrial Commission is also to assist in developing this work through the efforts of the agents employed by the Commission.

The State Department of Education is to interview, advise, train and follow up physically handicapped persons who desire retraining.

Since the passage of the State act providing for the rehabilitation of physically handicapped persons the Federal Government has passed an act providing federal aid in order to stimulate this type of work among the various states. New York State will receive approximately $75,000 from federal funds and will have available in addition $75,000 appropriated for this work by the last legislature.

The plans for this work have been practically completed and the personnel needed for the work will be secured during the next few weeks.

The Governor's Order of Approval

Plan of Cooperation Between the State Department of Education and The State Industrial Commission. (Pursuant to the Provisions of Chapter 760 of the Laws of 1920.)

It is the mutual desire of the State Department of Education and the State Industrial Commission that all physically handicapped persons who come under the provision of the Workmen's Compensation Act be advised in regard to the provisions for their retraining at the earliest psosible moment. In order to effectively carry out the provision of the rehabilitation act the Departments agree tocooperate in furnishing the following information:

1. *The State Industrial Commission* agrees to furnish the State Department of Education with the following facts in regard to injured persons who come under the provisions of the Workmen's Compensation Act:

   a. The name — address and nature of injury of all seriously impaired persons reported to the State Industrial Commission.

b. Information in regard to the physician's rating of the individual's disability.

c. Information in regard to the amount of compensation awarded to physically handicapped persons and whether or not payment is periodical or in a lump sum.

d. Assistance in making investigations to determine the kinds of occupations disabled persons may enter.

The Industrial Commission further agrees to assist in the following manner:

a. To bring to the attention of the employers of the State through its agents the scope of the rehabilitation program.

b. To assist through its employment offices in the placement and follow up work of men in industry and commercial occupations.

c. To consider the effect upon rehabilitation in awarding compensation in a lump sum.

2. *The State Department of Education* agrees to furnish the Industrial Commission with the following facts and information:

a. Information in regard to the disposal of each case reported by the State Industrial Commission.

b. To furnish the Industrial Commission with information on such subjects as quality of medical care, provided and suitability to prosthesis.

c. To furnish the Industrial Commission with facts in regard to the placement and follow up work of all persons who have been retrained.

d. Provide such statistical records in regard to the rehabilitation service as may be desired by the State Industrial Commission.

Approved by the Board of Regents, October 7, 1920.
Approved by the State Industrial Commission, October 20, 1920.

(Signed) ALFRED E. SMITH.

Approved:
Albany, October 23, 1920.

The Governor makes public a letter received describing the conditions of the famine now existing in China, and asking for relief, and his reply thereto:

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, N. Y., November 24, 1920

November 22, 1920.

HON. ALFRED E. SMITH, *Governor of New York, Albany, New York:*

DEAR SIR.— The five provinces of Northern China: Chili, Shantung, Honan, Shansi and Shensi, are in the grip of the most devastating famine in the history of the world. Between 40,000,000 and 45,000,000 people are directly affected. It is the greatest tragedy facing humanity today and — it is just beginning. All indications point to a growth of suffering and an increasing loss of life at least through next summer. China herself is helpless in the emergency. We are her only dependence.

Whenever the Chinese people have found themselves borne down by troubles the traditional friendship of the United States has induced them to appeal to America for aid. These calls, almost without exception, have been heeded in the most generous spirit.

Because of the Christian Herald's years of activity in world-relief this magazine usually has led in all charitable and philanthropic work among the more backward nations. It has, for instance, organized three China Famine Funds in the last two decades. And so, in this emergency, we are asked to handle the American fund for the relief of this — the most terrible of China's afflictions. This appeal has come to us both from native officials and from American missionaries of all denominations. We have responded by opening a fund with the endorsement of President Wilson, Secretary of State Colby

and the American Red Cross. The State Department will transmit all funds by cable to American diplomatic and consular officials in China, where the money will be administered by an interdenominational committee already organized. This committee will work in complete accord with the international relief agencies now formed, or in process of formation, in the foreign colonies.

The big thing that faces us now is to make the American people acquainted with the tremendous need of the famine-stricken districts. I am attaching herewith copies of letters and telegrams for your inspection and respectfully urge, if you can consistently do so, that you issue an official proclamation calling attention to the emergency and inviting the citizens of the state to contribute to relief work according to their means. If you deem this course inadvisable may I suggest that, at least you give to the newspaper reporters an interview embracing some of the facts that are here placed before you.

Apart from the humanitarian appeal we must remember that what we do for China today will come back to us ten fold in later years in the form of trade and general good will.

The mail address through which contributions are being handled is, "Christian Herald China Famine Fund, Bible House, New York City."

I most earnestly beg your sympathy and co-operation in this work.

Sincerely,

(Signed) GRAHAM PATTERSON, *President, "The Christian Herald."*

November 23, 1920

GRAHAM PATTERSON, ESQ., *The Christian Herald, Bible House, New York City:*

MY DEAR MR. PATTERSON.— I am in receipt of your letter under date of November twenty-second, describing the conditions of famine now existing in China.

I have sent a copy of your letter to the newspapers in order that the people may be made acquainted with the conditions which you describe.

I trust you will be successful in the attempt to raise funds for the relief of these distressing conditions.

Sincerely yours,

(Signed) ALFRED E. SMITH.

Relative to the Action of the Federal Government in advertising for bids for leased and sales of the right to direct the waters of the Niagara River for the development of power

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, December 7, 1920

Letter received by the Governor from Alphonso T. Clearwater, President of the State Reservation at Reservation at Niagara

"KINGSTON, N. Y., *December* 4, 1920.

To Honorable ALFRED E. SMITH, *Governor of New York, Executive Chamber, Albany, N. Y.:*

MY DEAR GOVERNOR.— This Commission is advised that the Federal Water Power Commission has advertised for bids for leases and sales of the right to direct the waters of the Niagara River for the development of electric energy, and that public hearings on the allotment for leases and sales for such diversion will begin before that Commission at Washington on the 20th day of January, 1921.

As the State of New York always has claimed title to the bed of the Niagara River and control of its waters, subject only to the rights of navigation within its navigable reaches, the Commission at its annual meeting held at the Reservation at Niagara Falls on the Second of December, unanimously adopted the following:

'WHEREAS, This Commission is advised that the Federal Water Power Commission has advertised for bids for leases and sales of the right to divert the waters of the Niagara River for the purpose of the development of electric energy, and that a hearing relative to such bids will be held before that Commission at the city of Washington on the 20th day of January, 1921, and,

'WHEREAS, The State of New York, always has claimed and now claims title to the bed of the Niagara River, subject only to the rights of navigation within its navigable reaches, and

'WHEREAS, The involved District embraces the lands of the State Reservation, and the cataract of Niagara, and pari passu one of the greatest power development districts in the world.

'THEREFORE RESOLVED, That the Commission requests the Governor of the State to ask the Attorney-General of the State to appear before the Federal Water Power Commission, and to enter such protect and take such steps as best will protect and preserve the rights of the state in and to the bed and waters of the river.

'RESOLVED, That a copy of this action of the Commission be forwarded by its president to the Governor of the State, and a like copy be forwarded to the Governor-Elect, the Honorable Nathan L. Miller.

In this connection, I beg to call your attention to the thirty-fifth annual report of this Commission to the Legislature for the fiscal year from July 1st, 1917, to June 30th, 1918, on page 36 of which as appendix "H," you will find the proceedings before the Committee on Foreign Affairs of the House of Representatives relative to a bill for the control and regulation of the use of boundary waters of the United States for power purposes, and for other purposes, including a letter dated the 21st day of May, 1916, and addressed by Governor Whitman to each of the United States Senators from New York, together with the brief submitted by the Committee appointed by the Governor to oppose that bill. In addition to that brif, the Honorable Nathan L. Miller, Governor-Elect of the State prepared a most admirable and able brief protective of the rights of the State, a copy of which unfortunately is not in my possession, but which undoubtedly you can procure from Judge Miller.

The matter being one which requires immediate attention, I at once transmit to you this action of the Commission.

Respectfully,
(Signed) A. T. CLEARWATER.
President of The State Reservation Commission at Niagara."

The Governor Asks the Attorney-General to Protect the State in the Interference of Its Rights by the Federal Government

December 7, 1920

HONORABLE CHARLES D. NEWTON, *Attorney-General, Albany, N. Y.:*

My Dear General.— I am advsied by the State Reservation Commission at Niagara that the Federal Water Power Commission has advertised for bids for leases and sales of the right to divert the waters of the Niagara River for the development of electric energy, and that public hearings on the allotment for such leases and sales for such diversion will begin before that commission at Washington on the twentieth day of January next.

This should be most vigorously opposed by the State of New York. The State of New York always has claimed title to the bed of the Niagara River and control of its waters, subject only to the rights of the Federal Government to regulate navigation. No person should be permitted to develop electric energy for private profit with any of the waters now the property of all the people of the State of New York. These waters should be developed by the State itself, under State ownership and under State control.

I earnestly hope that you will as vigorously as possible protect the State from any interference with its rights in the Niagara River.

I am enclosing herewith copy of the communication directed to me by the President of the State Reservation Commission at Niagara Falls.

Very truly yours,
(Signed) ALFRED E. SMITH.

Statement by the Governor on Appeal of the American Committee for Devastated France

December 7, 1920

STATE OF NEW YORK — EXECUTIVE CHAMBER

The people of France are engaged at the present time in a concerted effort to rebuild the shell-wrecked homes and the devastated regions of that Republic. In the performance of this work, a great amount of aid has been rendered by the American Committee for Devastated France.

These Americans, many of whom are citizens of our own State, have already made it possible for more than five thousand families to become re-united and have done much to assist in the work of rebuilding this Sister Republic.

The work has now grown beyond the resources of the American Committee. It is important, however, that this work should be continued because the reconstruction of France is necessary to restore normal conditions in Europe.

I believe that American citizens should assist in this great work and I earnestly endorse the campaign of the American Committee for Devastated France, to obtain funds which will enable it to continue and enlarge its activities. I hope the people of the State will respond generously to this appeal.

(Signed) ALFRED E. SMITH.

Statement to the Boys and Girls of the Brooklyn Continuation School

STATE OF NEW YORK — EXECUTIVE CHAMBER

Albany, April 27, 1920

In the complex organization of present day society, the citizen has many duties, chief among which is the obligation to provide

proper education for the children of the nation. You are the beneficiaries of the public school system of education. You are now prepared to take your place as fully qualified electors and to assume the responsibilities of life. Your parents have provided you with the opportunity you now enjoy. It is your duty to see that they get value for the money which they pay in taxes for your education.

The completion of your high school course does not mean that you have been educated. You are just beginning to be educated. You must now develop the knowledge which you have gained in school. As scientific theories are constantly changing to conform with the results of research and experience you must be on the alert to keep your information up to date. Therefore, you must continue to study.

No one knows when or in what guise, opportunity may knock at his door. It is necessary that your lives be a preparation for the day when opportunity does knock and when, having recognized it, you may embrace it.

I hope that you will always live up to the ideals which have been taught to you during your course and that in so doing you will merit the approval of your parents and bring honor to yourselves, your teachers, and your country.

(Signed) ALFRED E. SMITH.

Reorganization of the Departments of State Government

The following article was the result of an interview with Governor Smith and was contained in the New York Times of Sunday, April 18, 1920:

SAVING OF MILLIONS PLANNED IN STATE REORGANIZATION.

Big Economies Proposed in Governor Smith's Scheme to Scrap New York's Ramshackle Administrative Branch, and Substitute a Compact, Efficient Machine With an Executive Budget.

Of course you are familiar with the battle of Newtown.

No? Why, this is incredible! Surely you must know about the Newtown Battlefield Reservation, owned by the State, and the Commission of five members, devoted to the management, supervision and custody of the site. That spot is forever sacrosanct under the law, and all citizens have the unassailable right to free access that they may meditate upon the historic scene enacted there. There's no bar to outsiders, either. The reservation is open to all.

It is just possible that the Commission escaped your attention because it happened to be one of the 187 miscellaneous offices, bureaus and such embraced within the capacious administrative arms of the State. In that event, possibly this may be one of your last opportunities to give it your sympathetic thought, because it will go by the board if Governor Alfred E. Smith's plan for a reorganization and simplification of the system becomes effective. The Governor is prompted by motives of economy and efficiency, not by sentiment, and the Commissioners of the Newtown Battlefield Reservation are but a corporal's guard of an army of State dignitaries and office holders who will find themselves shorn of their honors if his program goes through. The Newtown Commission, therefore, is but a symbol. That you should be ignorant of the memorable conflict it is designed to perpetuate ill becomes a taxpayer. Hear, then, the story of the battle of Newtown:

George Washington commissioned General John Sullivan, in the summer of 1778, to proceed against the hostile tribes of the Six Nations of Indians.

"The immediate object," he wrote, "is their *total destruction,*" with the capture of women and children as well as men.

The so-called "battle" was but a tiff in which "four or five" white men lost their lives, according to Sherman Williams' history: "There seems to have been more noise than execution," he writes; and tells how, after this encounter, Sullivan's four brigades of men from New Jersey, New Hampshire, Massachusetts, Pennsylvania, a few Wyoming militia, and two independent companies, a German battalion and some New Yorkers, destroyed "forty villages and more than 150,000 bushels of corn, many thousands of fruit trees were killed — mainly peach and apples. Gardens containing a great variety of vegetables were laid in waste.

You can call it an expedition, as Mr. Williams does, or a battle, or just an overwhelming armed raid to reduce the civilians to proper humility by the destruction of their crops and the slaughter of some of their braves. Colonial histories set it down as a noteworthy achievement.

Singularly enough, it was not until 1913 that adequate steps were taken by the people to embalm this victory in a permanent memorial. Then an amendment was enacted to the Public Lands Law by which the Newtown Battlefield Reservation Commission was created, and followed with an appropriation of $10,000 to preserve forever a State park at Elmira, in the County of Chemung. Two years later another law was passed, providing for a further purchase at Ashfield, also in the County of Chemung, but not adjoining the first tract. Thus there has been established a double testimonial to New York's appreciation to the gallantry and heroic endurance displayed by her pioneer soldiers, and the soldiers of New Hampshire, Pennsylvania, Massachusetts, New Jersey, Germany, and so on, upon that immortal battlefield.

ODD LOTS OF OFFICE HOLDERS

The five Newtown Battlefield Reservation Commissioners live at Elmira. They serve the public without remuneration, all their expenses are paid by the State when they make the necessary inspection of the tracts there and at Ashfield; they are required to make annual reports and submit quarterly statements of their accounts, and presumably they satisfy the ardent public interest in these matters. The term of one of the Commissioners will expire next Thursday, and it will be the task of Governor Smith to reappoint him or secure a suitable successor.

Last December the terms of the three Commissioners to examine voting machines expired. The law requires that one of these Commissioners shall be an expert in patent law and the others mechanical experts. With 187 commissions, bureaus, offices, boards and so on it is a hard task for the Governor to start out and look for a mechanical expert or an expert on patent law or an expert embalmer or an expert on geographic names if a post happens to fall vacant requiring a man or woman with some special qualification. In the case of these Commissioners to examine voting machines, the Governor has made a diligent search, and up to the present time has been unable to find three men with the required qualifications who are willing to serve the State on this Commission. The old Commissioners, therefore, are holding over, but pay little or no attention to the duties of the Commission.

The Commissions of two members of the Board of Geographic Names, for instance, expired last October, and Governor Smith wearily reappointed Herman Leroy Fairchild of Rochester University and Hugh P. Baker, dean of the College of Forestry at Syracuse University. They will continue in office until 1925, and then probably will be reappointed, if they are still living and still patient. Then there is the New York Monuments Commission, which has an office in the Hall of Records here, and which consists of three Civil War veterans, to determine the positions and movements of the New York organizations engaged in the battles of Gettysburg, Chattanooga and Antietam; and to erect "such memorials, monuments and markers" as may be required from time to time in accordance with the provisions of the Legislature. The annual expense of this is $3,000 for the three Commissioners, $1,900 for a secretary and $840 for a laborer.

And there is the Board of Embalming Examiners, an agency for some reason associated with the Department of Education, along with such other

agencies as the New York State Nautical School, the State School for Ceramics and Clay Working at Alfred University. The list could be extended easily to the point of tedium.

GOVERNMENT'S DOUBLED COSTLINESS

It must not be supposed that all of the 187 spigots to the New York State administrative barrel are as quaint as some of those which have been mentioned — and which might better be called gargoyles than spigots. Nor must it be fancied that in abolishing the Commission any threat is directed against the reservations, institutions and activities they supervise or control. The Newtown battle field will remain unsullied. The Department of Conservation will take it over and its Commission will evaporate. Some of these places and activities, in fact, are vitally necessary. The chief objection to the commissions and boards and offices as now constituted is that they overlap in some instances and are unrelated in others, and that they are not properly subject to a superior State agency. They are a conspicuous evidence of that ramshackle and ungainly governmental architecture which moved William H. Taft to wonder and admiration in 1915, when the Constitutional Convention was being held.

"The study of the State Government, like that of New York," said Mr. Taft, "only arouses in me the same feeling that I may have with respect to our methods of conducting our courts: Profound admiration for the political adaptability of the people to make a machine work that nobody who had any real business sense would think would work under any other conditions. They get along somehow. It costs them double what it might, but so it is."

In 1915 the phrase "It costs them double what it might" could be dismissed with an amiable smile. In 1920, with a budget which has doubled since then, a budget which is now $141,000,000 and promises to total a fifth of a billion five years hence, the smile has become a trifle sour. Increases in the budget must be met chiefly by increases in the income tax, for one thing, and the burdened taxpayer cannot view with relish any such procedure. To meet the situation, which amounts in fact to an emergency, Governor Smith has proposed a reorganization of the State Government, to simplify its machinery and reduce the expense thereof; and to provide for responsible administrative control through a cabinet, and for effective financial control through an executive budget. A series of constitutional amendments and a series of statutes in addition would be required to accomplish these changes.

It is not a partisan proposal, and it cannot become effective in any event until after Governor Smith's present term expires; but it has aroused, for all that, an acute political antagonism. It must be obvious that the consolidation of nearly two hundred agencies into eighteen departments, such as are proposed, effects political patronage even more vitally than does budgetary reform. Thousands of petty appointees shiver at the thought. Not that they consider themselves petty! It is natural for them to magnify the importance of their work, to see unlimited opportunities for new services (and new subordinates) and to take advantage of the loose and shambling financial methods to get additional appropriations.

Strutting titles are one means of improving the salaries of favorite appointees. An official report states gravely that "there are at the present time over 900 different titles in the State service which are fictitious or misleading. The promiscuous use of titles gives opportunity for the creation of useless or unnecessary positions. New titles are usually invented to show the need for special work. An administrator often creates a fictitious or non-descriptive title for a position merely to persuade the control agencies that position is necessary."

State Comptroller Travis, for instance, asked for $3,500 this year for a "supervising examiner" in the private bank bureau of his department. Last Monday Governor Smith lopped $844,190 off the pending appropriation bill, and one item was the "supervising examiner."

"No private bank bureau exists in the offices of the State Comptroller," he wrote, to explain this part of his veto, "and I am unable to understand why there should be a supervising examiner for a bureau that does not exist."

Whereupon a strutting title ceased to strut. Mr Travis also asked for

$25,000 for contingencies. "to be used generally for any purpose, except personal service necessary for the proper administration" of the income tax law. "I am unable," Governor Smith observed drily, in vetoing this item, "to imagine any contingency that could arise not already provided for."

In all, the Governor applied the axe to seventy jobs. Possibly this hurt more than his veto of half a million for bridges. The Appropriation Bill is a volume of 578 pages, containing thousands of items. The way Governor Smith went through it was an earnest of his attitude toward extravagance in State administration.

GOVERNOR SMITH'S VIEWS

Thus, although the opposition to State governmental reorganization is not partisan, it is political, and the Governor has a hard fight ahead of him. It will be hard, but the thinks it not hopeless, even at this session of the Legislature.

"When I appointed the Reconstruction Commission a year ago," he said the other day in his office at Albany, "I had no idea that this program of administrative reorganization would be an outcome of its work. But when it became apparent that it would be necessary to levy an income tax to meet the mounting cost of government, I charged the Commission to study the machinery and see whether there was any way of simplifying it and reducing the cost of operating it. The costs of government are bound to mount as it becomes necessary to pay higher salaries to employes and higher rentals, owing to factors over which we can have no permanent control; but it is obvious that reductions in the cost can take place in other directions, by reducing the number of employes and consolidating necessary offices and agencies.

"The proposal which came from the Commission is similar to the reorganization proposed at the Constitutional Convention of 1915, and it is my firm conviction that this part of the proposed Constitution would have been much more favorably received by the people if it had not been submitted with other proposals which did not win popular support. The objection of Senator Sage, and some other opponents of the plan, therefore, that it has already been rejected by the people, is not sound.

"Senator Sage has denied that the plan would work economies, but it is clear that no big business concern would tolerate half a dozen different engineering departments, for example, such as we have, or would pay duplicate salaries and unnecessary traveling expenses and wasteful rentals. Our rent roll alone is enormous. We have a Superintendent of Prisons and a Prison Board and a Commission on Prisons and a Probation Commission and a Parole Board, when the work of all of them should be in the hands of a single department. The appropriations bill this year carries an item of $4,200 traveling expenses for the Parole Board, and another $4,200 for the State Probation Commission and $4,800 for the State Commission of Prisons. All those items are for traveling expenses, mind you, aside from salaries and rentals. But why does any Parole Commissioner have to leave his Albany office to pass on a request for clemency? The warden of the prison where the offender is confined determines that.

ADMINISTRATIVE INCONSISTENCIES

"Why should the State spend a lot of money for dispensable traveling? Everybody knows that it is human nature for the city man to want to get to the Adirondacks in summer, and for the man who lives in the Adirondacks to want to get to town in winter, but why should the State foot the bill?

"Years ago, when the State was young, and we had no such means of communication as we have now, these bills were passed and necessary provisions were made for traveling. It took a long time to get around, and that increased the cost. But the Superintendent of Prisons can get to Elmira in three hours and half nowadays by automobile, to Bedford just as quickly, to Albion in five hours by auto, or less time by train. We built up a scattering framework in the old days, and instead of simplifying it we have complicated it by bureaus and agencies which overlap in some places and conflict in others and are almost inextricably confused. The only economical and sensible thing to do is to scrap the whole machine and build a new one which will run more smoothly and with less financial fuel.

"There are five departments and many independent boards having authority over State parks, reservations and such places. There are ten departments which do engineering work, and a vast number of separate visiting or control boards and commissions for the charitable, correctional and insane departments. The States's legal functions are scattered through ten departments — beside the Attorney General's! Nearly every one of our public educational institutions has its own board or regency or what-not.

"Why should we have half a dozen tax agencies collecting funds at different times, one busy at one period with the income tax and another at another time with the inheritance tax and still others with the automobile tax and corporation tax, and so on, instead of a single uniform department to take care of all the work of that character. There is no reason why the Secretary of State should levy the tax on automobiles and the Comptroller the tax on incomes. There is no reason why the Comptroller should collect any tax whatsoever. He is an auditor. But last year the Legislature spent weeks trying to determine whether the Tax Commissioner or the Comptroller should collect the income tax, and the Comptroller finally won; but I give you my word the members of the Legislature didn't spend five minutes in consideration of our great water power systems.

"An Executive budget would put the responsibility for money spent on the Governor. As it is, he can only veto whole appropriations. When they are excessive he must veto them wholly or, if they are imperatively required, let them stand. He cannot exercise any discretion, such as should be exercised. The argument against that is that it would weaken the Legislature's authority. But as a matter of fact there would be nothing to prevent the Legislature from passing any financial bill it saw fit. Senator Sage himself is authority for the statement that there are not twelve men in the Legislature who understand anything about appropriation bills.

"But if the Legislature now wants to give any Commissioner more than the $6,000 a year he gets under the statute, it is done by additional appropriations. What I want is to make it necessary for the Legislature to come out in the open with a definite bill for an increase in salary, if that is what it wants to do. I don't see why it should be done secretly, under the cover of appropriations for other purposes. Let the increase be in an act standing by itself.

"That would add dignity to the Legislature, not weaken it. The members would be relieved of the bother of wrangling over minor salaries for stenographers and clerks and could devote their attention to worthier subjects, such as water power and canals and the public welfare generally.

"The Sage proposal, which has been reported in the Senate, is nothing but a smoke screen thrown around the whole reorganization scheme. It would set up a regency over the State institutions for charity, correction and mental hygiene, thereby removing them the further from effective control of the people and the governor. If it were carried out it would leave the Governor with little power beyond the signing of commissions in the National Guard and acting on applications for clemency in the case of convicts. Senator Sage apparently plans to make executive ability of no consequence in the Executive office. All the Governor would need, if that scheme became effective, would be a good swinging pen so that his name would have a decorative effect on a piece of parchment.

"There is objection to the plan because it proposes to make the Governor's term of office four years instead of of two. It's a joke to elect a man Governor of this State for two years. Unless he has had long legislative experience he cannot possibly find out about the government and familiarize himself with his duties short of a year. Thus he spends 50 per cent. of his time studying the business and the other 50 per cent. studying how to be re-elected.

"The leading men and women of both parties in the State are behind the reorganization plan. They won't be deceived by the Sage scheme, which is nothing but a soothing syrup containing a narcotic strong enough, it is hoped by its prescriptionists, to put everybody into a peaceful slumber, possibly until after the election. There is no politics in the real reorganization program, and the business men as well as the taxpayers are bound to support it when they see what it will mean in economy and efficiency.

GUBERNATORIAL HANDICAPS

"Efficiency is not possible unless responsibility is lodged with the Executive. With that responsibility, he must have the means to carry out his policies. The real fact is that he is bound and gagged by a cumbersome machinery of State Government that divides responsibility among men scarcely known to the electorate and never mentioned by them after the election is over. The consequence is that, between the short term of the Governor and the form of our Government, the executive head of the State is foiled in every effort to respond to the popular will.

"The multiplicity of departments, with overlapping functions brought into existence in various ways and responsible to no central authority, should be reduced to a small number of large departments, presided over by men selected by the Governor. The fundamental needs are for an executive budget system, for the consolidation of State departments, the reduction of the number of elective officers, and the increase in the term and responsibilities of the Governor, and to my mind this is the only plan which will relieve the present situation.

"The fundamental principles presented in this report are principles which have been proposed and discussed throughout the country ever since they were first enunciated by President Taft's Efficiency and Economy Commission. After years of agitation the proposal for an executive budget system in the Federal Government is at last on the eve of realization.

"No progress can be made in the direction of an executive budget sytsem, consolidation of departments, or a cabinet system in New York State without constitutional amendments. It is true that a good deal of consolidation can be brought about by statutes, but little compared to what ought to be done, and practically nothing can be done toward improving the budget system.

"If constitutional amendments are approved at this session it will be desirable to appoint a commission to consider the various statute which are necessary to put the plan into effect. Some of these statutes may be passed this year or next year; others should be ready for passage when the constitutional amendments are finally effective. If constitutional amendments are to be passed at all it is of the greatest importance that they be approved for the first time at this session of the Legislature. If action is postponed until next year the amendments cannot be made effective until 1924."

Coming from a Tammany man, an interview such as this has an element of surprise, but there is no mistaking Governor Smith's sincerity. It is known at Albany that he means to fight for his reorganization plan, and it is known further that he has in the indispensable Tammany qualification of fighting hard.

Senator Henry M. Sage, to whom Governor Smith referred, is Chairman of the Finance Committee of the upper legislative branch; and while his plan has a superficial aspect of reorganization, it yet does so little to disturb the comfort of office holders and of pork distributors that it may be made the center of the opposition known to exist in the Assembly. It has been estimated that the Smith plan would effect an immediate initial saving of $6,000,000 a year, but that is a minor item compared to the amount which would be saved by scientific planning of the budget. It is a minor item financially but not politically. The type of politician who confuses office with privilege is strongly opposed to the kind of efficency whch means fewer jobs and that type frequently has the courage of its privileges. Other States have had similar difficulties in achieving rational reorganization of Government, but some of them have succeeded, nevertheless. The fate of the Smith program at present hangs in the balance. Governor Smith calls its opponents "payroll profiteers."

EDUCATIONAL PLANS

That is how the lines of battle at Albany are drawn. While the legislators debate the merits of the reorganization plan it may not be amiss to examine somewhat further the conditions which confronted the Reconstruction Commission when it obeyed Governor Smith's behest to simplify the machinery. The Department of Education affords a capital illustration of what steps would be taken in recasting the Government, because of its antiquity and because the plans in regard to it show that the reorganizers were not obsessed with an idea of changing things just to be setting up something new. The

plans, on the contrary manifest an intention of preserving those agencies which function satisfactorily.

Back in 1754 (long before the Battle of Newtown, even), King George II, appointed a Board of Governors of Kings College in the Province of New York; and so when the colony had become sovereign and a Board of Regents was appointed, thirty years later, for the University of New York State, its members got precisely the same prerogatives as the royal delegates. One regent was to be elected each year by a joint legislative ballot for a term of twelve years, one being chosen from each of the nine judicial districts and three at large. In 1894, however, a change was made. It was made by amendment to the State Constitution. It was therefore, you may guess, portentous. It was as follows:

"The corporation created in the year 1784 under the name of the Regents of the University of New York State is hereby continued under the name of the University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the Legislature, shall be exercised by not less than nine regents."

Thus does the Constitution achieve its majestic growth. It now provides that there shall be not less than nine regents, but offers no special objection to twelve, and is not particular how they are chosen. As a matter of fact, there are twelve. As for their powers, to all intents they are the same as in 1754. And the powers are sweeping. The Board of Regents administers and supervises the educational system of New York State, and has some quasi-judicial and legislative rights thrown in for good measure. The Board of Regents appoints the Commissioner of Education, who is also President of the University of the State of New York and who serves as long as the regents please. He in turn approves the appointment of officers and employes of the department, supervises the licensing and practicing of professions (excepting law), grants charters, confers degrees, determines educational standards, register foreign institutions, executes the laws bearing on education, hears and judges appeal cases, supervises school activities and enforces the regulations of the Board of Regents.

WIDE SCOPE OF DUTIES

The commission's jurisdiction extends to the district, city and village school, to normal schools, teachers' training schools, colleges and universities, professional and technical schools, libraries, museums, study clubs, historical societies and other institutions of educational character. Doctors of medicine, public accountants, dentists and drug clerks, chemists and veterinarians, shorthand reporters, trained nurses and optometrists fall under his watchful eye, or the eye of his employes. Tre department also apportions to the schools, according to statute, the appropriations annually granted by the Legislature.

And yet the Board of Regents and its administration of affairs have proved so praiseworthy that the Smith reorganizers, despite its hoary age, despite the fact that it distributes responsibility through twelve members instead of centering it in one, subject to removal by the Governor, propose to continue it. There is a strong conviction throughout the State that men of high tpye have been chosen as regents and that district representation is necessary on the board, and the reconstructionists have taken that sentiment into consideration. So they have recommended that, instead of abolishing the board, its powers be extended. There would be twelve regents, as at present, each serving for twelve years, and there would be added to their duties the supervision of the blind, deaf mutes, Indians and illiterates — duties now scattered amoung various agencies. There would be eight bureaus and many divisions. The process would therefore actually result in greater centralization of responsibility and power than at present.

Supervision of the agricultural schools has been taken recently from the Department of Agriculture and given to the Commissioner of Education, but there are still illogical conditions to be remedied. At Delhi, for instance, a Board of Trustees has care of the School of Agriculture, and reports are made to the Department of Agriculture. At Schoharie and Morrisville the same conditions prevail, and this is true at Farmingdale, except that no reports are required. Schoharie is the only school which has the Commissioner of Education as a member of the Board of Trustees. At St. Law-

rence and at Alfred the Trustees of the university have charge of the agricultural school. The reorganization plan provides for a Bureau of Agricultural and Vocational Education, with a local Board of Managers for each school, thus unifying the system.

OUR STATE NAUTICAL SCHOOL

And then there is the case of the New York State Nautical School, which further illustrates the haphazard system now prevailing. Appropriations are made to it by the State, but it is not responsible to any State department. The Secretary of the Navy was authorized by a Federal law of 1911 to provide a suitable training vessel at the Port of New York, and appropriated not more than $25,000 in case the city or the State would raise an equal amount for a nautical school. The Board of Education of New York City, which had accepted the Federal offer, decided in 1913 to abolish the Nautical School, but various persons interested in it had a State law enacted providing for its maintenance. The school gives instructions to boys between the ages of 16 and 20 in navigation, seamanship, steam and electrical engineering. A boy who has graduated from an elementary school with a little extra study may enter.

The school is administered by a Board of Governors. The members, exclusive of the Commissioner of Education, are appointed by the Governor for three years and serve without compensation.

There was no supervision of this school, either by the State Department or by the Federal Government, until the war broke out. Then the Nautical School was brought under the jurisdiction of the United States Naval Reserve Force.

The only other similar school in this country is in Massachuetts, and the per capita cost per pupil in the Massachusetts school has been very much less than in the New York school.

The reorganization plan is for the State Nautical School to be turned over to the Federal Government as a basis for a large school not restricted to New York residents. In case it is found impossible to do this it is recommended that it be placed under the State Department of Education, in the Bureau of Agriculture and Vocational Education.

The plan would also transfer to the Federal Government the Health Office at the Port of New York and the Port Wardens. It would abolish altogether the Fiscal Supervisor of State Charities, the Charities Building and Improvement Commission, the Fire Marshal, Harbor Masters and Commission on West Side Improvements, transferring to other agencies such of their activities as are regarded as of some public consequence. The Transit Construction Commission would be transferred to the City of New York.

Neither embalming nor chiropody is accepted as a profession requiring higher education, but the Department of Education licenses both of them, and the plan is to let them stay there under professional examining boards.

NEGLECT OF THE BLIND

A bureau of special education would be established to supervise the education of Indians, the blind, deaf mutes and State charges. It is estimated that there are about 8,400 blind persons in the State, but only 364 of them are officially known to the present commission, so loose is the system of registration. And so far as the State budget is concerned, only 298 blind children are known despite the much greater number in the State. The Commission for the Blind has in fact no real grasp on the situation.

To take the place of the several scattered and ineffective public agencies dealing with the situation it is proposed to create a division for the blind under the Bureau of Special Education, to care for the "normal" blind and to see that the so-called abnormal blind receive treatment at other agencies. The State School for the Blind at Batavia would be under its jurisdiction, and the Fiscal Supervisor and Board of Charities would be relieved of their present duties.

Similar conditions are to be met by similar remedies in other directions. The State's educational work has been selected for illustrative purposes, not because it reveals a greater commission than is apparent generally, but because there is greater familiarity on the part of the general public, presumably, with its methods. The solution proposed here is the same in its gen-

eral scope as would be applied in other departments. The Reconstruction Commission in its report to Governor Smith thus defended the proposed reorganization.

"The only serious argument advanced against such a proposed reorganization and budget system is that it makes our Governor a czar. The President of the United States has administrative powers far greater than those here proposed to be given to the Governor. The Mayor of the City of New York appoints and removes all of the important department heads, and citizens know whom to hold responsible. The Governor does not hold office by hereditary right. He is elected for a fixed term by universal suffrage. He is controlled in all minor appointments by the civil service law. He cannot spend a dollar of the public money which is not authorized by the Legislature of the State. He is subject to removal by impeachment. If he were given the powers here proposed he would stand out in the limelight of public opinion and scrutiny. Economy in administration, if accomplished, would redound to his credit. Waste and extravagance could be laid at his door. Those who cannot endure the medicine because it seems too strong must be content with waste, inefficiency and bungling—and steadily rising cost of Government."

"The system here proposed is more democratic, not more 'royal' than that now in existence. Democracy does not merely mean periodical elections. It means a government held accountable to the people between elections. In order that the people may hold their Government to account they must have a government that they can understand. No citizen can hope to understand the present collections of departments, offices, boards and commissions, or the present methods of appropriating money. A Governor with a cabinet of reasonable size, responsible for proposing a program in the annual budget and for administering the program as modified by the Legislature may be brought daily under public scrutiny, held accountable to the Legislature and public opinion, and be turned out of office if he fails to measure up to public requirements.

"If this is not democracy then it is difficult to imagine what it is. The proposals here advanced are not partisan, Republican leaders and Democratic leaders of the highest standing and widest experience have indorsed the principles upon which they rest. They have appeared in the Progressive and Socialist platforms. Every Governor in recent years has made some recommendations along these lines, but the issue has never been placed squarely before the people."

There is nothing novel about the plan Governor Smith has championed. In regard to that his commission reported to him as follows:

"The budget recommendations have passed beyond the theoretical stage, for thirty-eight States have enacted legislation providing for a consolidated budget system with varying provisions as to methods of preparation, legislative review and enactment into law. Half of these States have placed the responsibility for initiating the budget squarely upon the Governor.

"The recommendations with reference to the reorganization of boards, offices and commissions have not been accepted by the State Legislatures as readily as proposals for budget reform. The reasons are obvious. A consolidation of a hundred or more offices, boards and other agencies affects political patronage more vitally than does a budget system, and it requires considerable courage and intelligence on the part of the Legislature to reorganize an entire system of State Government. Nevertheless, recommendations of commissions are passing steadily into law. The State of Illinois, comparable to New York in wealth and population, in 1917, under the vigorous leadership of Governor Lowden made a complete and drastic reorganization, of the State administration, sweeping away 105 offices and agencies and consolidating the affairs of the State under nine great departments.

"The Commonwealth of Massachusetts by constitutional provision in 1918 prepared the way for consolidation of the numerous offices and agencies composing the State administration. Nebraska, by an act of 1909, reduced eighty-two departments and agencies to six administrative departments, six constitutional officers and four constitutional boards. Idaho, by an act approved Feb. 19, 1919, abolished a long list of offices, boards, and commissions and created instead nine departments of civil administration. Delaware has under consideration proposals for a reorganization of administration, consoli-

dating 117 separate officers, departments, boards, commissions and other agencies into nine departments under the authority of the Governor. In Oregon a legislative commission proposes to consolidate all existing administrative agencies into ten departments. The Taxpayers' Association of California proposes to set up in that State twelve administrative departments in addiion to that of the Secretary of State. The messages of Governors in 1919 indicate that Indiana and other States are soon to follow in the footsteps of Illinois, Massachusetts, Nebraska and Idaho."

Appropriation Bills Signed by the Governor in 1920 Applying to General Fund

Chap. No.	*Title*	*Amount*
1	Refund dog license fees	$241,555 13
5	Suppression and control influenza	50,000 00
7	Industrial Commission	40,000 00
8	State Comptroller, Income Tax Bureau	500,000 00
9	Acquisition real estate, New York City	545,000 00
20	Brooklyn hospital, Creedmoor	500,000 00
34	Emergency deficiency bill	2,795,100 09
42	State aid, town, county and Indian reservation highways.	2,302,000 00
62	Bridge, Rondout creek	420,000 00
80	Maintenance and repair, highways	7,500,000 00
83	Department of State Police	25,976 00
126	Excise Department	18,000 00
147	Rural post roads	300,000 00
154	Rural post roads	3,750,000 00
165	Appropriation bill	74,163,173 63
211	Trustees Public Buildings	35,000 00
	Department Public Buildings	4,138,50
222	State Commission of Prisons	3,5000 00
312	Bedford Hills sewer plant	6,500 00
314	Estate Judge Paris	3,935 53
370	Towing facilities	150,000 00
381	New York University Veterinary College	15,000 00
392	Officeres, Court of Claims	3,600 00
402	Barge canals, terminals	1,850,000 00
406	Dairy exhibit, New York	26,000 00
435	Employees, charitable institutions	153,000 00
449	Expense, Public Service Commission, First District	50,000 00
457	Education, assistant mental diagnostician	3,000 00
460	Conservation, reforestation	25,000 00
499	Teachers, State college and normal school	118,080 00
513	Prison guards and reformatories	98,880 00
519	Palisades Park	500,000 00
521	Expenses, Public Service Commission, First District	32,000 00
523	Estate H. P. Bissell	6,666 67
524	Estate R. H. Roy	7,222 04
525	Estate E. K. Emery	1,388 87
526	Clerks, Court of Appeals	7,700 00
531	Assistant legislative librarian	2,300 00
535	Repay R. T. Ford Co., Manhattan hospital	1,500 00
537	Estate E. A. Philbin	7,956 99
538	Workmen's Compensation Law, occupational diseases	25,000 00
539	Labor Law. Deputy Commissioner	5,000 00
545	Memorial, Gouverneur Morris	500 00
550	Traveling expenses, game protectors	44,700 00
582	Supplemental appropriation bill	798,682 98
583	Arsenal, New York City	250,000 00
585	Eastern approach, Hudson bridge	40,000 00
586	Western approach, Hudson bridge	35,000 00
587	Agent and warden, prisons	6,000 00
604	Labor Law, factory and mercantile inspectors	55,000 00

627	Military decorations	4,000 00
630	Employees in military service	25,000 00
662	Extension work, Indians	10,000 00
663	Land for Indian school	10,000 00
664	Commission on Indian affairs expense	5,000 00
665	Camps of instruction	30,000 00
666	Secretary of State	1,000 00
	State Comptroller	1,000 00
	State Treasurer	1,000 00
	State Engineer and Surveyor	1,000 00
	Superintendent and deputy, public works	2,750 00
667	Salaries, Tax Commissioners	6,000 00
671	Sinking funds, and interest on State debt	15,468,856 84
672	Service ribbons and badges	2,000 00
673	Saratoga Springs, state reservation	115,960 00
674	Refund moneys erroneously paid	8,391 42
680	Education Law, teachers' salaries	20,550,000 00
696	Expenses, Wm. B. Coates	700 00
697	Hospitals employees	1,120,000 00
698	Grain terminals, Gowanus Bay, etc	775,000 00
699	Commission, Child Welfare	5,000 00
741	Civil service employees, pension	25,000 00
760	Workmen's Compensation Law, handicapped persons	75,000 00
776	Cortland normal school	200,000 00
806	Commission, United States and Canada	5,000 00
808	Harlem river inprovements	100,000 00
851	Education Law, teachers of foreign born	40,000 00
852	Education Law, extension facilities	100,000 00
853	Education Law, industrial teachers	50,000 00
854	Commission, forest lands	2,500 00
860	Psychiatric Institute	25,000 00
883	Bridges, Delaware river	125,000 00
884	Improving Oneida feeder	15,000 00
885	Central New York Institute for Deaf Mutes	14,778 00
886	Hamilton-Odell library, Monticello	1,000 00
887	Supreme Court Library, Hudson	3,000 00
888	Supreme Court Library, Plattsburg	5,000 00
889	Commission, Roosevelt memorials	1,000 00
890	Expenses, Canaseraga creek	46,321 70
891	Reimbursing, etc., war contracts	3,450,000 00
892	New York and New Jersey vehicular tunnel	1,000,000 00
893	State scholarship, soldiers, etc	6,000 00
894	Relations, workers and employers	25,000 00
895	Investigation insects	5,000 00
896	College of forestry, wild forest life	15,000 00
897	White Plains school	5,000 00
898	College for teachers, Albany	5,500 00
899	Superintendent of Elections	14,400 00
900	State aid, tuberculous patients	10,000 00
901	American Seaman's Friend Society	10,000 00
902	Convention, judiciary rules, civil practice	30,000 00
903	Radium, Buffalo Institute	225,000 00
904	Improvement, Fulmer creek	25,000 00
905	Limestone creek, Fayetteville	6,000 00
906	Griffin creek, Genesee Valley canal	15,000 00
907	Troy and Cohoes bridge	300,000 00
908	Bridge, South Bay, Washington county	5,000 00
909	Survey, waters of Lake George	2,000 00
912	State Boxing Commission	40,000 00
913	Excise Department, contingent expense	50,000 00
914	Excise Department, enforcement liquor tax law	88,260 00
941	Emergency Appropriation Bill	319,432 21
954	Index Civil Practice Act	15,000 00
958	Military Hospital	3,000,000 00
	Total	$145,219,906 60

ADDRESSES

XII

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ADDRESSES

XII

Note.— While Governor Smith delivered many speeches during both years of his administration, most of them were of an extemporaneous nature which fact made it impossible to procure them for publication in his Public Papers.

Reorganization of State Government — At the Noon Meeting of the Merchants' Association of New York, January 12, 1920

MR. CHAIRMAN, MEMBERS OF THE MERCHANTS' ASSOCIATION AND DISTINGUISHED GUESTS: I feel happy at the outset of my speech to realize how little difference there is between myself and the distinguished Chairman of the Senate Finance Committee. I understand that I have just two things to iron out with him: One, is the question of duties with regard to the Governor's Budget and the other is the number of Departments and the method of consolidation (at this point Mr. Sage interrupted the Governor, to which the Governor replied) Well, we will talk the other things going up on the train (laughter and applause).

That is the limit you have acquainted me with up to date.

Now, I believe that you will not again, probably in a great many years anyway, get a better opportunity to do something constructive for the State than you will get at the present time, for the reason that the glory for it can be very evenly divided. Nobody can blame me for the 1918 appropriation bill because it was drawn up by the Republican Majority. Nobody can blame the Republican Majority because the Democratic Governor accepted it. So that you see, there is a sort of even division of responsibility, and there was in 1919. That has got to be done again in 1920, and it would do no harm to either of the great parties and a great deal of good for the State if I can induce the Republican Majority to come in and play with me on my program, with the written promise if they desire it, that they will get half of all the credit.

The great trouble in this State is, as I see it, that we are wedded — absolutely wedded to old-fashioned ideas. We haven't attempted to model this government anything in keeping with the growth of the State. Wait till I tell you a little story to illustrate that:

The day that the Constitutional Convention opened up, the distinguished Chairman, Senator Root, picked up a copy of the State Constitution, and he said: "Look at the size of that document. It contains fifty per cent basic law and about fifty per cent of liquid law,— fifty per cent of legislative matter, that both branches of the Legislature should be left free to deal with from year to year as the needs of the State change from year to year. That document might well be reduced to one of this size" (indicating a pocket

manual). So, following that advice, there was a lawyer from Greene County, Chairman of the Committee on Revision, and he called the Committee on Revision together and they laid the Constitution out before the Committee, and they started to read it to find out what was in it; that was a difficult duty — they were going to see what was out of date, and they came to that provision of the Constitution which prevents long leases of agricultural lands,— something that was necessary in 1820 in order to prevent the Rensselaer White Estates from making long leases. Everybody in the Committee said "Well, there is half a page out of it, anyhow." They patted themselves on the back and said they were going to take it out of the Constitution by next Tuesday. So, they handed up a report. That report was handed to the body at three o'clock on Tuesday afternoon. There was a delegate from Brooklyn who began to talk at four o'clock on Tuesday, against taking it out of the Constitution, and he finished up Thursday evening. The question was submitted to the Convention, and they voted to leave it in. That is a slight illustration of what you have to contend with when you talk of any fundamental change in the structure of our government. We are wedded to it too strongly. We ought to meet present-day conditions. Now, let's see what has given rise to all this talk about the reorganization of the government?

Before this year, except for payments to the Sinking Fund and interest on the bonds, the State of New York has never levied any direct tax. We have received our entire revenue by indirect means, and that is the form of taxation that never gives anybody any anxiety as to where the money is coming from because they do not feel themselves paying it. Take the Liquor tax. Look at the enormous amount of money we collected from that tax. The man who bought the glass of beer or bought the glass of whiskey — did he feel when he paid for it, that he was contributing anything towards the support of this State? He did not, because he was always friendly to the increase in the amount of the license, because it shut the other fellow out, and I think that that particular element always voted for more public works of any kind no matter what it cost. So that, you see, nobody felt that they were paying anything. The man that buys a share of stock, he never sees that tax; all he knows is when the broker says: "Here's what you have got to give me," or "here's what I am going to give you," never stops to think what part of it was taxed. At the beginning of 1919, it was decided by all parties that in order to meet the constantly increasing expenditures of this State, there had to be levied a direct tax upon the income of the citizens of this State, so in March a great many are going to begin to say: "What is this money used for?" When they have to pay it directly out of their own pocket. That made necessary some program of retrenchment in the cost of government. Now, it is idle to say that you cannot run eighteen or twenty departments cheaper than we will say even eighty-seven for the sake of argument. If you did not save anything else but traveling expenses in a year, of the representatives of all the different boards and commissions that are constantly traveling through this State, it would

in itself be a remarkable item. Why, we are the greatest customer the New York Central Railroad has.

It is true that a Board or a commission is not on salary, but they have to have a secretary, they have to have stenographers, they have to have attendants and they have to have help, and every new commission that you create, creates a new expenditure.

Now, it is not altogether true to say that when you lodge a new duty upon an existing department, that you must give them more money. Surely, not as much as you have got to give to a new commission. The Governor's salary has never been raised. And years ago, the Governor was a landed gentleman living on his estate in Albany for about seven months in the year. I went through a year of it without a week's vacation. These new duties have been crowded on me; they have been crowded on the Secretary of State; I don't see any reason why we can't crowd any of the existing employes a little bit. Let us say "here is a little more money, cut your lunch-hour down."

Now, entirely aside from the question of economy, there is another great question that is deserving of consideration, and that is, that this program tends to give the Governor the power that goes with his responsibility. That is the thing to do in this State. It is just as important as the question of economy. Now, whom do the people look to? They look to the Governor. How many men on the street today can tell who the State Engineer is or where he comes from? They don't know anything about him. They just vote down the ticket on Election Day, and as you go down the ticket, a less number of the candidates are voted for than on the head of the ticket. Under our present form of ballot there are a great many people that do not take the trouble to vote for anybody except the Governor. You find the difference here even in the local elections between the President of the Board of Aldermen and the Mayor; you will find a difference of forty thousand votes. In other words, forty thousand people didn't care who was President of the Board of Aldermen, but they did care who was going to be the Mayor.

Now, we have got a conglomerate form of government that the Governor himself is unable to keep any track of, nevertheless, everybody looks to him. I was interested one day in picking up an Albany evening paper, to find out that the Land Board spent $620,000 for more land in the Adirondack Mountains. I never heard of it. I haven't anything to do with the Land Board. How many men in the State now know anything about it? Or know how it is made up. The responsibility is not upon the people that are doing a great part of the State's work. It is upon the Governor, and for that reason the Governor, if he is to govern, ought to be given power commensurate with the responsibility that everybody believes rests upon him. Let us see the difference between the Mayor, we will say, of the City, or the President of the United States and the Governor. One of the arguments calculated to appeal to the unthinking, is that this scheme makes the Governor a czar — is the Mayor of New York a czar? Rather let me put it this way.

Is he a czar by the authority of law? Now, let us see. When he comes into office he names his entire cabinet, and the Legislature, knowingly and willingly, discusses it and debates it,— and I was a member of the Legislature, and the argument from the Republican side of the house in favor of that was that it was unfair to hold any man responsible for the government of a city, and then not permit him to surround himself with the men that were in sympathy with the things that he wanted to do.

Is the President of the United States a czar — by law? He names his cabinet. There is absolutely nothing to the argument of keeping the State Departments out of politics by making their terms overlap the term of the Governor. There is nothing to that. The one department that the State recently sought to take out of politics by taking it away from the Governor, they put in politics stronger than it ever was before, with nobody responsible.

Of course, I do not think that any sensible man needs much argument on the question of the term of the Governor. To elect a man Governor of the State for two years is a joke. Unless he spent years in Albany, unless he has been in this business and study of government and study of appropriation bills, he will be in Albany a year before he will know what the thing is all about around him, and it doesn't make any difference how brilliant he is or how clever he is. I am talking about his physical capacity to study it in a year. He would have to stay awake day and night for a solid year to get his hand on it. Then, what happens? In his second year, he is either up on top of the Capitol, trying to see if he can see the big dome down in Washington, or he is mending the political fences about the State to be sure he doesn't have to go out of the mansion on the eve of next New Year's following.

There can be no mistake at all in extending the term of the Governor. It will not apply to me, because my term finishes.

A voice: We are sorry for that.

Governor Smith: Now the senator speaks about your three engineering departments. Of course, that is an absolute growth of our system and the trouble is that fundamentally we are wrong, and that is why these things occur from time to time that look impossible. Now, how did you get a Highway Department in this State? If you can get the explanation of how we come to have a Highway Department, and why we have a state engineer, you can get right at the meat of this whole subject. Now I will tell you how we got it.

There was a man elected state engineer, who did not conduct his office to the satisfaction of the people of this state, and the legislature was afraid to submit the question of a referendum of Good Road Bonds unless they gave the people of the state some assurance that the construction thereafter would be under the control of the governor, the man they could get at and the man who should carry the responsibility. And you will have to remember, Senator, (Sage) that when you talk about transferring the Highway Department to the office of the state engineer, you have got to read the

referendum and see if you have not made a promise to the people of this state, when they authorized the second fifty millions of bonds, that you would have these highways forever thereafter, for that amount of money anyway, constructed by a commission and not by the state engineer.

Now you have got your Department of Public Works, and your Highway Department and your State Engineer. As a matter of fact, there are ten different distinct engineering departments in the State of New York; there are ten of them. Obviously the only thing to do is to create a Department of Engineering and put all ten of them into the one department, and have the man at the head of that department appointed by the Governor and responsible to him, so that he can in turn be responsible to the people who elected him. There cannot be any difference of opinion about that. Now let us see, you have got seven departments in this state assessing and collecting taxes, spread out all over, and one of the fundamental weaknesses of it is that the elected constitutional heads of these state departments are always endeavoring to broaden the scope of their activities, and they don't have very much trouble explaining to the legislature that it ought to be done.

Now, where would you put the collection of the Income Tax, if you had your mind on orderly business? You would put it in the Tax Department. Did it go there? No, it went to the Comptroller. Who would you have collect the Automobile Tax? Why, that ought to be in the Highway Department. Where is it? In the office of Secretary of State.

You will not get any place if you are going to continue surrounding your governors with a number of elected state officials that are just as important in their own way, as he is, when they get there. And you cannot blame them; they are selected by the people the same as he is. The state engineer and surveyor this year asks for more money than was appropriated to him when he had the whole construction of the Barge Canal under his supervision. Well, he never came over to talk to me about it. A perfectly fine fellow, Frank Williams. I have to send for him and ask him about anything, and have him explain it to me. Still I am supposed to be the head of the government.

Now with regard to the increased cost of the government, we must not fool ourselves about increasing appropriation bills. That is taking place all over the world. It has got to increase year after year. It is not fair to say that you can conduct any activity of this state today at the price that you conducted it nine or ten years ago. You cannot run your own house, you cannot run the smallest business in this city, at the same price that you conducted it nine or ten years ago. When we speak of the Health Department of 1910 we must compare it with the Health Department of 1919, which of course, the Senator did and understands it.

With regard to our hospitals, what I have in my mind is that we are not spending enough money for the hospitals and I am going to ask the legislature to increase very materially our annual contribution for the upkeep of the institutions for the insane. It is a

plain business proposition. The hospitals of the State today are over 1,000 employees short. They cannot get them. You cannot get a nurse for $55 or $60 a month; you cannot get an attendant for 28 a month. I had the manager of the Rome Custodial Asylum in the Executive Chamber the other day, and I asked him what kind of an attendant he got for $28 a month to take care of the feeble-minded children up at Rome; and he said, " Well, he is just about a little better than the children themselves." It becomes a pure matter of business.

Now it is a question in my mind whether it is economy to run anything that way. I am doubtful about that from a business standpoint. I am doubtful if the State gains in the long run by trying to do a twenty or twenty-five million job with sixteen million dollars. You have got to fall short some place. The answer to it is that the people, the unfortunate people in these hospitals, who are the wards of the state, are not getting the care that they ought to get. You cannot give it to them with that amount of money.

One of the dotors at Central Islip Hospital told me that for the whole summer practically, they were unable to take large batches of patients out into the open air because they had no attendants to watch them.

With regard to the Highways, nobody in the state understands that situation better than Senator Sage. There is a cure for it. I will recommend it if the legislature will adopt it and the cure is this: compel the counties, not only to make the initial appropriation for their share of construction, but make them pay half of the maintenance thereafter; and I will tell you what that will do. A certain amount of money is alloted to a county for roads. The Commissioner of Highways visits the county and he has a conference with the Board of Supervisors. Well, the Board of Supervisors look it over and they say, " Well, what about this road here?" " Well, that is a reinforced concrete road, it is very strong and it will stand the heavy truck traffic. With the money that is alloted to your county you can only get seven miles, but here is a road over here that will not stand up under the traffic and with the money alloted to your county, you can have 18 miles."

The supervisors go into executive session, and they take the 18 miles on the theory that thereafter they do not have to spend a dollar to keep it up; the state has to maintain it. And that is the reason why, in sections of the state, you have roads that have been rebuilt four times already, and the bonds for their original construction have twenty years yet to run, at 4½ per cent a year.

Now that is a plain, ordinary, everyday business proposition. Of course, the counties are going to kick, but if we don't kick back, we are going to have, every year, this constantly growing maintenance account. The Commissioner of Highways certified to me that it requires $23,000,000 to properly reconstruct the roads in this state. When they were built, there were no 5 and 6 ton trucks running over them.

How are you going to assess upon the users of the road all of the cost at the present price? I do not know, unless it may have the effect of stifling entirely that industry; that is the fear of that.

Now I do not know who supplied the senator with the figures on Health Insurance. You can make anything cost money; it depends on how you do it. You have compensation for injuries applying to millions of people throughout this state. The administration of that does not cost a million; why should insurance against sickness cost eighteen millions? I am frank to say that I recommended to the legislature for them to dispose of that. I am not wedded to any particular bill; I have not got some other man's idea about it. I will go along with the legislature. I have had so much experience up there that I distinctly understand that the man who will go up there and say, "This is my bill, I want it this way or I won't take it at all," usually does without it.

Now, we can get out of all this if we will only sit down together and I am one of the easiest men to sit down with. I was brought up in such a way that I cannot sit way back on the chair. I always lean over when I am talking to anybody (laughter and applause). I will do that with the Legislature and I will do it with the members and with my numerous friends throughout the State. I am well supplied with good cigars. I will bring them all over to the Capitol and sit down and talk it all out and let us get some place, but above all things, everybody that can do it, ought to make their best possible attempt to crush out the idea that nothing should be done for fear that it may revert to the credit of any individual. That is too small and it does not go. (Applause.)

Now, I think I have consumed the time allowed to me, and in a loose way, have covered about what there is to say with the exception of just one thing that I want to call to your attention. One of the very good features of this program is the restriction on the Legislature of creating a new department for every new activity. Now, the Senator knows with me, we have talked it over time and time again, that if you do not have the restrictions you have to bend to the idea of some man or group of men who are interested in the particular thing that they are trying to do, and it is only human.

One Legislature cannot bind another. You are not always going to have the same men in control in Albany that you have today. Next year you may get different types with different ideas about it. Now, we saw fit in this State, by our fundamental law, to put certain restrictions upon the Legislature. Written into the Constitution itself are certain things that the Legislature shall not do. The people have said so to them. They have prohibited the Legislature from changing the name of anybody by an act of the Legislature, from granting a franchise for street railways by an act of the Legislature. There is a whole page in the Constitution devoted to restrictions. It will not do any harm to put one more in there and say that hereafter new activities should be confined to the departments that are already organized and in operation; and that is good business as well as good politics.

I think I have covered it all, or as much as I can today. Now, I appreciate the opportunity to come before a gathering of this kind and have a frank and free discussion about this whole program. I repeat what I said that if there is anything about it that anybody

can give me an argument on, that is not right, I can believe it in a minute if it is not all right, but I do believe that there ought to be put behind it a good, forceful, vigorous public sentiment so that at least the principles involved in it will be adopted in the interest of this State, in the interest of good government, in the interest of good business, and in the interest of orderly procedure with our State affairs, to the end that the Governor of the State may be the responsible man and that the Government may be understood by the people of the State. Back of a good deal of the discontent, not of the radical fellow that wants to be against you, that is fundamentally wrong, that was wrong in his youth, but a great deal of the discontent among the men that want to be right, is the absolute lack of understanding that they seem to have of what the government is doing and what its aims and purposes are, and one of the reasons for it in this State at least, is a general lack of understanding as to what the State can do.

Everybody writes to me about everything in this State. They do not understand the orderly processes of the Government because they are too involved. The Senator and myself, sitting at the table, do not know where Spy Island is. I think that, in itself, constitutes an argument for a simplification of the government. Bring it in so that I will have a chance to look at it (laughter).

Now, Mr. Chairman and members, I repeat that I am very thankful for this opportunity and I hope that when I attend your luncheon again, part of my speech will be devoted to those whose earnest and honest efforts furthered my program — not my program but the program of the Reconstruction Commission because it really belongs to them. I do not think I would be able to think all this out, myself. I would not dare claim the credit for it. It belongs to the Reconstruction Commission. They are men and women throughout the State who have absolutely no interest in politics. They were picked for that reason. They were men and women who gave their time and their energy to this country during the war, and they were called in after the war was over, to continue some of the work they were doing to help in the solution of the problems that come after war that are just as difficult of solution as the war problems themselves.

THE TOASTMASTER: I think you will agree with me now that the Governor is not only popular, but also knows his job. (Applause)

In behalf of the President of the Association, Mr. Morgan, I want to say that we have so thoroughly appreciated this luncheon and the gathering of these representatives from the State Legislature, the Governor, and Senator Sage, that we want to make this an annual affair, and if you will come, hope next time we will have an opportunity to hear from all of you.

Before the Association of Managers of the State Charitable and Reformatory Institutions, January 16, 1920

MR. CHAIRMAN, MEMBERS OF THE ASSOCIATION OF MANAGERS: Without any preparation, because my time does not permit

of it, I felt that I had one or two particular things to talk about to the Boards of Managers. I have had the honor and pleasure and opportunity of appointing a good many managers during the past year and I am going to say very frankly to you that the appointments were made pretty much on the report that came to me of how much attention the manager gave to his business in the preceding term. Now the theory on the part of the State of unpaid management of our institutions is a very excellent one because we have had it demonstrated, not only in the state but in the federal government, that you can get from public spirited citizens, without salary and without reward except the satisfaction they feel themselves of having done something for the state — just as good service as it is possible to obtain. I believe, however, that the State should encourage it to a little greater degree than we do. I have talked at some length with the Senate Finance Chairman. I have been unable to take it up as yet with the Assembly side — about some further degree of power to the Boards of Managers so they may have something to say about the fiscal control of the institutions, for the reason that I believe that too much of it is being done from Albany in a way that Albany cannot handle it because it is not in a position to have the first-hand information which the Managers have.

The segregation of the budget into so much detail is a new thing. It was started in 1916 and the man who was responsible for suggesting it had for a great many years been connected with the Finance Department of the City of New York and he carried around in his mind the theory upon which the City of New York operated in its budget, and failed to have in mind that the Board of Estimate and Apportionment meets every Friday and every Monday through the whole year with the exception of July and August, and could be called together on ten minutes' notice at any time, and that the transfer of items from one place to another was easy. The attempt was made to apply that theory to the State budget, which becomes the law of the State and has to stay from the time the Legislature adiourns in May until it convenes again the following January and, under the provisions of the Constitution, no power could be invested in anybody to make any change in that budget because the Constitution clearly provides that no money can be expended except in pursuance of appropriation; that an appropriation, if had for a specific purpose, cannot be changed by anything other than the law-making body, because it becomes the law of the State. So that when you segregate the budget very highly the result is a large amount of money never leaves the State Treasury in some lines and deficiency appropriations are required for other lines. For instance, the doctor in charge of the Rome State School for Mental Defectives told me he was $30,000 over in the money appropriated for help, because he couldn't get it at the salary the State was paying, and that he was $22,000 short in food, because of the increased cost of everything; so that $30,000 of the money appropriated for his institution remains unexpended although appropriated in the help account, and he is obliged to come to the Fiscal Supervisor and have his quarterly allowance increased over the proportionate amount

which should be allowed, relying on the fact that he will come before the Finance Committees a little later and replenish that fund with a deficiency appropriation.

There is nothing I can think of which has a more stimulating effect upon any body or commission charged with a particular duty than a liberal grant of power. That is really what makes a board important and makes the members of it feel the importance of their position. It lends a certain dignity to a board to put it in position to have something to say about actual management. At the present time their powers seem to be limited. We expect the managers to be interested in the welfare of the inmates — of course that requires in the last analysis something more than the power of suggestion, because if the suggestion is not carried out because of a peculiar form of budget or limitation upon the power of the board, the suggestion does not mean anything and has no force or effect.

I think there is one thing I should speak about today because it is business, and it is the business of the State of New York; that is, that from the observations I have made personally and from the reports I have had brought to me from absolutely reliable sources, I am convinced that the State of New York is not employing the class of people in its institutions that are able to render to the State what the State should expect, and largely — very largely — for the reason, the plain common sense business reason, that we are not paying the salaries. We did suffer from competition during the war — there is no doubt about that. Since the signing of the armistice there has been no letup in the demand for labor although this time a year ago many of us felt that we were going to see a shortage of employment for the returning soldiers and people engaged in lines of endeavor that had to do with war work, but the contrary is what actually happened so that we still have to meet this outside competition. This is too much for the State to cope with at the present rate of salary in the institutions. Of course, if the State is going to believe that it has performed its full duty by simply taking people and detaining them some place, that is one thing. If, on the other hand, our conception of our duty in the premises is that where they are detained we are going to try to help them, that is another thing and we are unable to do it in the present condition of affairs in practically every institution of the State, including the prisons, because we have not got the material to do it with, and it is our own fault because we do not pay the salaries. It is unbusinesslike — no great corporation would attempt it, no individual would attempt it. Nobody would attempt to do twenty million dollars' worth of work with fourteen million dollars — it can't be done! There is some question in my mind whether we might not better be accused of the waste of some part of the amount of money that we are spending than to be responsible for such a condition as this.

I propose, at a later date, to submit to the Legislature some actual facts gathered in our State Hospitals by Dr. Pierce Bailey and Dr. Biggs, in order that it will be thoroughly understood that there are a number of patients in the State Hospitals that last summer the

authorities were unable to take out into the fresh air during July and August because they didn't have attendants to mind them. If that is so that is a serious situation. We have upwards of 38,000 people in the insane institutions in this State. Time was when they were cared for by the localities. The State itself assumed the burden and when it did it assumed an obligation. We have taken these people as wards of the State and it is a sacred duty on the part of the State to do what we possibly can to bring them back to normal condition or at least treat them well while we have them in our charge and under our control.

I think that covers all I have been able to think of that is of interest to a group of this kind. I will conclude by bidding you a very hearty welcome to the city and to the Capitol and invite you to come in to see me when you are in Albany about anything connected with your institution. I will be glad to talk to you. I am suspicious because nobody has ever come to me from these institution with the exception of Mrs. Van Rensselaer, who is my neighbor, and a few others — I won't say nobody comes but not enough of you come — I am suspicious that you don't want to annoy me. It is not an annoyance and I will be glad to talk with you at any time. I tried to visit all of the institutions when I first started out and got to three or four of them. Then the railroad strikes began and the steel strike at Lackawanna and so many other things came up I found I had to stay pretty close to this building and was deprived of any vacation which I thought I ought to have for myself, so while I stay at any time the managers are here in Albany on any business I will be glad to have them come in and talk to me about anything connected with their institutions. They will always be welcome.

At the Meeting of the New York State Agricultural Society, Albany, January 20, 1920

MR. SPEAKER, MR. PRESIDENT, AND MEMBERS OF THE NEW YORK STATE AGRICULTURAL SOCIETY: Coming as I do from the heart of the great metropolis, what I have to say to you with regard to agriculture, will come from the mind of the individual who spent a great many years in this building and in this Chamber listening to the arguments on the different sides of the agricultural question. It was well known that during the war food was as necessary for the success of our armies and the armies of our Allies as were men, money or munitions. And the response from the farmers of this country to the call for extended production and intensive production, will go down in the history of that great conflict as one of the bright pages so far as this country's contribution to the ultimate success is concerned.

It would be impossible to overestimate the importance of agriculture and its development to the last degree by our people. We are fed and clothed from the land, and every dollar of State money that is expended for the promotion of agriculture brings back through

the channels of trade a two-fold return to the people of the great municipalities who have to live on the product of the farms. As a small boy, I remember one part of Bryan's famous speech at the National Convention in Chicago in 1896. He said: "Burn down the farms and grass will grow in the streets of your great city." I think that is keenly appreciated by every student of our government in this State.

When your President, an old time friend of mine, a companion in this Chamber for a great many years, invited me to speak here to-night, I very frankly said to him: "Fred, if I speak before the Agricultural Society I am not going to have a speech made up for me in the Department of Education on the subject of agriculture. I am going to talk about what to my mind is a little bit of business, the business of the Agricultural Society as well as the business of the State of New York." Fred very promptly said: "Al, if there is anything at all on your chest about agriculture and it is making you in any way uncomfortable or is causing you any personal distress, even to the slightest degree, come up and get it off." So in pursuance with that invitation and availing myself of the hospitality so liberally extended, I want to get this off my chest.

As the Governor of the State I am personally dissatisfied with the present organization of the agricultural interests in this State. By that, I mean that I am not satisfied with the regency idea as attempted to be carried out by the Council of Farms and Markets. I do not believe that it is successful. I do not believe that it is doing for this State what could be done for it with a similar appropriation. I believe that our agricultural interests will best be promoted by a single, responsible head. I would look to a Commissioner of Agriculture in this State as probably next to the Commissioner of Education being the most important single official in the whole State, and if we can afford to pay a Public Service Commisioner, of which we have to have five to make up a Board, a salary of $15,000 a year for the regulation, the very meagre regulation that the law permits them to exercise over public service corporations, we certainly can spend $20,000 or $25,000 for the biggest agricultural expert that this country has and put him at the head of the agricultural interests of this State, and give him some power along with some responsibility. There is nothing very radical about that. It was the accepted procedure in this State for a good many years and under certain commissionerships it was highly satisfactory. The theory of creating a regency, as I was informed, was to take it entirely out of politics. What was meant by that was that there would not be a shift in Commissioners every time there was a change of Governor. But I am afraid that the operation was not entirely successful. It is like the old story of the unsuccessful operation at the hospital. The patient rallied from the operation but later passed away. I think it went just a little bit further into politics but unfortunately it went so far in as to relieve any individual of any responsibility for what is taking place. Now we have an elaborate regency, all very good men. There is

not any doubt about that. Stand them here on the Assembly floor and representing the various judicial districts of the State, they are probably the foremost in their district, but you cannot carry any job to a successful conclusion that is handled by 6, 7, or 10 men. We have been all through that. The government has been through it. We had the lesson brought home to us with a great deal of force during the period of the war When we were fighting we had to bring to our men the very best that we had, and invariably that led us to the idea that a single-headed responsibility, one man you can look to, that you can hold responsible, and consequently give him responsibility and power. The law as it reads today attempts to give certain power to the Commissioner of Agriculture, to the Chief of the Division of Agriculture and the Chief of the Division of Foods and Markets, but all that power in the last analysis is exercised through the Council. What is that power? Let me read you the first two or three words of each grant:

1. Execute and carry into effect the laws of the State and the rules of the council.
2. Aid in the promotion and development of the Agricultural resources of the State.
3. Investigate the cost of food production and marketing in all its phases.
4. Investigate the sources of food supply for the State, the production, transportation, storage, marketing and distribution of food sold.
5. Collect and disseminate accurate data and statistics as to food.
6. Investigate and recommend useful methods of cooperation, production, marketing, and distribution of foods.
7. Aid in the organization and operation of cooperative associations.
8. Cooperate with and aid farmers.
9. Acquire and disseminate accurate information.
10. Acquire and publish useful information.
11. Cooperate with the public service commission.
12. Investigate delays in transportation.
13. Investigate and report to the Legislature.
14. Investigate as to the needs of terminal, dock and other distributing facilities.
15. Advise and cooperate in establishing local markets.
16. Cooperate with producers.
17. Investigate and report to the Legislature.
18. Ascertain the names and addresses of producers, manufacturers, importers and distributors of food.
19. Make recommendations.
20. Act as mediator or arbitrator.
21. Investigate, when deemed advisable.
22. Collect and publish data.
23. Investigate, when deemed advisable.
24. Cooperate with local health departments.
25. Investigate and take action.

That is all it is. We have developed here a wonderful bureau of investigation, absolutely lacking in initiative, the one great thing we need, the one big thing the State desires, the one thing that you can expect from a single, responsible commissioner and that you will never get from a council of this kind. It is idle talk to say you can erect a regency over agriculture as you do over education. There is nobody pulling against education in this State. It is an entirely different subject. It is another matter. If you want to find some way of perpetuating a good commissioner when you get him in office, either elect him by the people for a long term, or have him elected, if you please, by the Legislature for a long term. If you get the right man it makes very little difference how you get him. In the last analysis, when all is said and done, the regency over education is wholly an advisory body and the real moving spirit after all is the single-headed commissioner of education controlling his deputies in the various activities of that great department. I would have the Commissioner of Agriculture be the man who would have something to say about the appropriation of every dollar of State money for agriculture in this State. The present Council has not got it. You have a number of agricultural schools spread out all over the State, their management resting in the hands of their respective Board of Managers. No coordination whatever, separate and distinct agencies all operating according to their own notions and their own ideas, removed entirely from any central authority or power, in many instances resulting in constant quarreling between the Manager and certain of the Directors as to procedure. Particularly is that noticeable in the school at Farmingdale.

In the budget of 1920 I have recommended for agricultural schools, including the Experimental Station at Geneva, $2,159,730. That is a very generous and a very liberal appropriation. There is no one in this State who controls it after it is appropriated.

The Speaker mentioned the State Fair. I would have the State Fair come under your Commissioner of Agriculture. That is where it rightfully and properly belongs.

I would have a Bureau of County Fairs within the Department of Agriculture and I predict that unless that is done, in a short time your county fairs are going to lose all the semblance they ever had of educational institutions so far as agriculture is concerned. Now, I would be the last man in the world to say the children of the country-side were to be deprived of that week of amusement The $250,000 appropriated by the State to the various county fairs is well spent if it serves no other purpose except a week of recreation for women and children in the country, but they could attend and agricultural education could retain its place at the fair just the same. There is no reason why the horse race and the performing bear and the frankfurter man should be the whole show. They have their places, but until you have intelligent direction in your county fairs, you are wasting time and money so far as education is concerned, so far as any effort on the part of the State for the promotion of agriculture is concerned. You are wasting money, and I speak from some experience. In 1918, the fairs of

1918, I was one of the large side shows at the county fairs. I was advertised ahead of time and billed ahead of time. We have with us today the Tammany candidate for Governor,—a drawing card. It meant something for the gate receipts. I was perfectly willing to offer myself for exhibition, and I, therefore, speak of our county fairs with some knowledge of what takes place there.

When you take the Department of Agriculture and the Department of Markets out of politics you will find that the heads of the bureaus will be men with some peculiar qualifications, some peculiar training either in experience or education, to man these bureaus. Is that the case today? Everybody in this room knows it is not. There is no use fooling ourselves about it. If I was asked what I would do about it quickly I would say this: That if the Legislature is willing I will stand for a lump sum appropriation made to the Department of Agriculture for its reorganization from top to bottom and allow some men who understand the business to reorganize that big department from top to bottom and let us have some confidence in it. Let us be willing to leave with them the State's money for that reorganization, and let me make the prediction that if you don't do it you are just continuing a cumbersome machine in the government of this State that will never get any place.

For personal service alone in the Division of Agriculture, there is requested for the next fiscal year $392,000, with 217 employees. In the Division of Foods and Markets, with 105 employees, there is requested $205,530. Now, too much of that is being spent in the gathering of statistics. Too much is being spent here in Albany, too far away from the farms; too far away from the interests that it is calculated to help and calculated to promote. Too much of it is political salary. That is my big complaint about it. The total budget for agriculture for the fiscal year beginning next July is $3,155,420.80, and I have just to make this simple observation before I close my remarks. Under the present form of organization it is absolutely impossible for this State to get full return for that appropriation. It cannot be done.

I hope that I will not be misunderstood. I did not come up here tonight to scold. I came here to talk just plain facts, the way I would talk if there was only a half dozen people in either the Speaker's room or down stairs, because I am unable to look upon any gathering in this Chamber as being a public gathering. I spoke so long in this very room that I feel I am talking to two or three people when I raise my voice in this room, and I came here just to say what I think about it.

I know that I only have my place in the government of this State, and I think I know my place, and I think I know enough to keep in it. That is knowing something these days. But I know the time will never come when anybody will find fault with any official of the government that talks out what he really thinks, what he thinks is best. If I am 50 per cent right, meet me 50 per cent of the way, and I will meet you and I will meet anybody else who wants

to take the other side of the argument. If I am entirely right, come along with me. In the meanwhile, that is my idea of it.

I feel that it would be improper for me to take any more of your time this evening. This is only the governmental side. You have those problems for discussion that belong more or less to the field of agriculture and the things that go with it. I am very thankful to the President for the opportunity of coming here, and whether anything happens or not, while I am in the buildiug you can make your mind up that I will do the very best I possibly can and I want to leave in your minds the final thought that there is nothing personal about it with me. It makes no difference to me whether I appoint any commissioners or not. I could have appointed five of them in New York at $15,000 a year and because I thought I was going to help the city, I reduced it to two. I am asking for what I think will better the agricultural interests of the State and better the public and consequently better the State itself.

"Re-organization of State Government" at Forum Luncheon of the Brooklyn Chamber of Commerce, January 24, 1920

MR. CHAIRMAN, COLONEL STIMSON AND MEMBERS OF THE BROOKLYN CHAMBER OF COMMERCE: The last time I appeared before you was in the heat of the local city campaign, and there is no doubt but what I had to say that day may have been tinged just the least little bit with partisanship. But we gather in the month of January as far away from election on this side of it as we can possibly get, and we are to discuss a subject today to which it will be very difficult to attach politics, because it has the approval of the members of all parties, as you will readily see by the committee which suggests it here in the program made today.

It was the thought of the Republican Constitutional Convention of four or five years ago, and it is brought into the program of the Reconstruction Commission by men and women not identified with either political organization. When the Reconstruction Commission was appointed, just this time a year ago, nobody was able to tell just what problems the State had to meet as a result of the war. It was only a month and a half after the signing of the armistice when the Legislature was called for the session of 1919 and the appointment of the Reconstruction Commission was made for the purpose of studying after-war problems. The study of the reconstruction of the government was suggested largely by the passage of the income tax bill. Briefly, this is the history: When the Legislature convened on the first of January, 1919, the estimates for the cost of running the government for the fiscal year beginning on the first of the next July, was some twenty or twenty-five million dollars in excess of its anticipated revenue. Not only was there upon the Legislature, the obligation of raising that deficit by taxation, but the Legislature had to give some relief to the municipalities of the State, due to the fact that it saw in advance the cutting off of the liquor revenue, half of which was devoted to local purposes and the other half to the State.

Now, for a great many years, one-third of the total budget of this State was raised by the liquor tax. In 1918, the tax was $20,000,000.

We have had in this State two forms of taxation — what we call the direct tax and the indirect tax. The direct tax is levied upon real property collected by counties and turned into the State. From 1902 until 1911 we did not have any direct tax, and we drew upon the surplus funds of the State and from the funds raised as a result of indirect taxation for the payment of interest and the amortization of the State bonds. Beginning with 1911 there has actually been levied a direct tax for the purpose of making the sinking fund for the retirement of the bonds and the payment of the interest. It amounted in 1919 to about eleven and one-half million dollars. The State had tapped about every available source of indirect taxation. The problem of the loss of excise revenue might have been met by increasing the indirect taxation, but that would have brought no relief of any kind to the municipalities. After extended conferences in Albany between the representatives of both parties in the Legislature and the Governor, it was finally determined that the State would have to resort to a direct income tax. It was realized immediately that if we got to a direct tax — taxing the income of our citizens — that that would mean the end of any new forms of indirect taxation and would present to the Legislature a very strong temptation year after year to move up the point to be raised, which is a little more revenue to meet each new expenditure that the State had to meet. The Reconstruction Commission accordingly took up the study of the plan destined not only to reduce the expense of the government, if that could be done, but to prevent, as far as it is humanly possible to do it, a recurrence of added cost because of any activity.

Now, as we go along, I will explain just exactly what I mean by that. Each Legislature is a body by itself. It deals with the problem as it thinks, and that must be so. Consequently, every new activity has some new board and new commission to carry it out. Year after year the different agencies of the government have kept spreding out so that we have today, as the Reconstruction Commission reports, some 187 different boards and commissions spread out all over the State attending to the business of the State. The Governor, the heads of the Legislature, the responsible heads of the government— we never see them. There is no way that you can transact business spread out in that way all over the State. You run across them accidentally. The other day, by accident, I found out we had such a thing in this State as a "Board of Geographic Names." Some member of the Board died and I was called upon to appoint his successor. I never heard of it before.

Senator Sage, at the luncheon of the Merchants' Association in New York a short time ago said the Legislature had been providing annually for the maintenance and upkeep of Spy Island, and he did not know where it was. If the Chairman of the Senate Finance Committee, with the whole State spread out before him

and with the Finance Committee made up of men representing all the different sections of the State, if he is unable to find out where Spy Island is, how in the world would anybody expect me to know where it is!

Now, it is plain business, it is plain, common, every-day business horse sense to say that you can run this government a great deal cheaper if you will reduce these agencies so that somebody can have some hand on them. Now, it is true a lot of these boards receive no salary. It is because they receive no salaries themselves that they are able to impress upon the Legislature year after year that they ought to have more help. And when they start, they start with a secretary, and then the secretary has a stenographer, then he has an assistant, and in a little while he has to have a confidential agent, and then somebody comes along and says, "You need some field agents to go around the State and attend to this."

The Mohansic Lake Reservation Commission that takes care of a plot of ground that the State bought for a hospital changed its mind afterwards because they felt it was too close to the water-shed. They want gardeners to weed it out. The suggestion has been made that it would make a good golf course. So we must not fool ourselves into believing that because we create agencies made up of public-spirited men and women who are willing to work for the State for nothing, that we are not incurring expenses, because we are, and we must also remember that these agencies are constantly traveling. I would say today that probably the State of New York is the best single customer that the New York Central railroad has. If they live downstate there is occasion for them to travel north in the summer, and if they live upstate they invariably have to come to New York week-ends during the winter. So that we have inspectors and secretaries and field agents meeting each other on the New York Central railroad and all its allied lines, riding constantly over the State on public business.

Now, aside from the economy of it, let us leave that question for a moment and take it from another viewpoint. What is more discouraging to a citizen than a government he does not understand? In the first place, he has not got quite as much respect for it as though he understood it, and how can anybody understand the government of this State the way it is constructed today? How can anybody keep track of it? I read an article in the paper the other day that the Land Board bought $600,000 worth of property in the Adirondack Preserve. I never heard about it until I read it in the paper. How many men in this room know how the Land Board is constituted? Where they come from and how they got their positions, and where they get the power to buy the Adirondack Preserve tract for $24 an acre. I am informed that another tract was taken by the State where they were allowed $8 an acre when they put it in as a claim against the State. It may be all right. I have no question about it. The only thing I say about it is that I do not know anything about it. I should, because everybody looks to the Governor. What do you elect him for;

send him up to Albany and then tie him in with a lot of rope and strings if he can do nothing and can find out nothing? That is going on in the State, and that same argument applies to all State officers. How many know who the State Engineer is? Yet he is a constitutional officer, stands independently by himself, feels as big as the Governor in his own office, and undoubtedly he is probably a little bigger, because he knows more about that particular office.

Now, for 1920 the State Engineer and Surveyor has requested of the Legislature more money for personal service than he requested when the Barge canal was being built. We have in this State six or eight independent engineering departments, and the Legislature pays no attention to any of them. The bills for public improvements go through the Legislature without a single engineer in the State knowing anything about it. Sentiment grows up in a little district and the fellow says, " Well, we will have this creek cleaned out, and we will have this river widened, and we will build a new bridge here." No one knows what it costs. The bill is introduced always at a figure much below the ultimate cost to facilitate its passage. The Governor accepts it in his first year, and in the second year finds he has got it about half complete and it requires that much more, or you can leave half a bridge standing up. I remember in 1915 there was a bill passed in Albany that was a very elderly bill; had been around there for a number of years. One of the members of the Assembly accused it of knowing its way to the bill box without assistance. It introduced itself year after year. Finally, the Governor accepted it. It committed the State to one-half the expenditure of improving Olean creek, a purely local bill, not on State property. It was destined to improve private property. There is no question about that. The city of Olean very carefully safeguarded itself and the bill provided that the city's half would not be forthcoming, nor would the bill be operative until it was submitted to the voters of Olean. They voted in favor of it, but the people of the State met half the expenses with the chances of paying more. The first of the year I was informed that the Olean creek improvement required some twenty-eight or thirty thousand dollars more to complete it, so I thought I would put some fresh blood on the job. I would take a new man that had not been a party to the Olean creek and send him there. I sent Captain Green, who is himself somewhat of an engineer, to look it over. They did not expect him to look at the creek, and he reported back to me unless the State made an additional appropriation it was quite possible all that we put into it would go to waste, so the State had to meet that improvement with another $28,000 this year.

Now, that has been the history of the present system of State government. We have six or seven agencies collecting taxes in this State, which is the whim of each Legislature as to who will do it. There was more time spent last winter, and I say it with kindly feeling, I have no complaint to make, there was more time spent last winter figuring out who would collect the income tax than there was on any other three great problems that confront this State.

I do not think I exaggerate any when I say that finally the plum landed with the Comptroller. Of course, we have a Tax Department there, but nobody thought of giving it to the Tax Department. Exactly that same way a short time ago the collection of automobile taxes went to the Secretary of State. So the taxes are collected by just the fellow who happens to get in first and makes the best explanation of why he should collect them.

Colonel Stimson said something about there being nothing in this program that reduces the power of the Legislature. If there was, I would be skeptical about it because I have great faith and great confidence in the Legislature. The contrary, however, is true. This will give a greater power to the Legislature. Under our present system, the Legislature spends too much of its time fooling around with little thngs that don't mean anything to the people of this State. Too many small local bills, too many little appropriations. Senator Sage, at Buffalo, less than two weeks ago, said that there were not a dozen men in the whole Legislature who paid attention to appropriation bills or gave any thought to where the money was coming from to carry them out.

The Legislature will get the respect that it is entitled to, as an independent branch of the government, when it devotes more time to the needs that affect the people of the State. What are they? Waterpower development — there is the biggest question that there is in this State, and I doubt if another State in this Union blessed with the natural God-given resources that we have here in the way of water power, would sit by and let them run to waste the way this State does. I went on a trip through the canal in the month of July to Port Henry on the Champlain side of the canal. Here on one side of the canal where the property is privately owned every wheel in the factory is being turned by water power; and on the other side of the canal where the water belongs to the people, on that side it is running over the dam, just running water. Why, you cannot get any discussion on it; nobody gives any time to it. The Legislature's time is taken up with little questions of whether we ought to put a bridge over the Oswego river or whether we ought to put income tax collection in that office or this office; whether this ought to be a separate department, or that ought to be the internal business of the running of the government.

The Legislature spends most of its time on what is really executive work instead of dealing with the great big broad problems which affect the whole state — water power, roads, the completion of the canal and the completion of the terminals, so that we can enter into a healthy and vigorous competition with the great enemy of the canal — the railroads. Little or no time is given to these questions. Last year a waterpower bill passed the Senate and never even got out of the committee in the Assembly. It was never discussed. There was not an hour, even a half an hour, given to the discussion as to whether it is a good thing or not.

Now, it is very discouraging to people who understand it, to find that the representatives in the Legislature are not willing to talk about a thing. No crime comes from a discussion of it. You must

get seventy-six votes to pass it, and if you will discuss it and cannot get seventy-six votes, then let it go; but you will never have any satisfaction in the rank and file if these things are going to be brushed one side and never even spoken about, and that is the exact situation that we have today.

Now, with regard to the budget. The law provides at the present time that the Governor may prepare a budget. Well, when I went into office on the 1st of January, 1919, not only was there no budget prepared, but there was no budget committee. The chief and head of that committee was transferred to the counsel of National Defense to straighten out their accounts, so there was nothing left for me to do in ten days, as the law requires, but transmit the requests of the departments, and the requests of the departments mean nothing. This year they aggregate $141,000,000. As Colonel Stimson said, they are prepared without the slightest bit of supervision by the department heads — the chief clerk is the man who prepares them, and he proceeds on the theory of asking for plenty so that when the pruning knife gets busy there will be something left.

Now, I prepared an executive budget and I sent it into the Legislature. A joke sometimes portrays the real truth better than anything else you could say, and you want to attend a newspaper dinner like the Gridiron Club, the Amen Corner, or the Legislative Correspondents in Albany if you want to get an idea of how things are going on, presented to you in the form of a joke.

At the legislative dinner in Albany Governor Whitman was sitting at a table and Senator Sage was at another table — Senator Sage was Chairman of the Senate Committee on Finance. A man ran into the room quickly and said, " Wait, wait, don't eat the soup; something has happened. Don't touch your soup." Everybody thought there was something to it. They all looked at the soup and looked at each other. " Wait a minute; officer, come in here." They brought in a policeman. The policeman went down into the kitchen, supposedly, and he brought up the chef with his white hat and apron on — that was just after that case of soup poisoning in Chicago. It was well in the public mind, so they arraigned the cook before the bar and the policeman charged him with putting something into the soup and he took a plea " that Senator Sage had handed him the Governor's budget and he put it in the soup." While that was made humorously, nevertheless that is what becomes of the Governor's budget.

Now, contention has been raised that this reorganization scheme gives the Governor too much power. Well, the other side of that argument is that if you think you are helping the State by electing a Governor without power, why, then, the scheme isn't any good. But how you think that, is more than I am able to understand. The mayor of the city appoints all of his cabinet. The charter makes the terms of all officials of the city co-terminus with his own. He comes into office, surrounds himself with his cabinet, accepts full responsibility. He has got to do it. The President of the United States comes into office, appoints his own cabinet, has his men on every activity of the government and has to take the responsibility

for it; but the Governor — nothing like that at all. The Governor comes in and sits down, and aside from signing his name to appointments of railway policemen, listening to the applications for Executive clemency, signing all leases that the State enters into for every little gas-testing station in the Public Service Commission, signing all orders of parole for prisoners that are going in and out, making recommendations to the Legislature, saying yes or no to the bills when they come down. That is about all. A vacancy in office, he makes the appointment. He sends the name up to the Senate. The Senate take their own time about it, and when they think it is about time for that fellow to be appointed, they appoint him. If they do not like him, they let him lie there. The Governor finds himself tied up to a big cabinet over which he has no control at all. That is what happened in the Jersey Tunnel case. That ought to be of great interest to the Chamber of Commerce. It is to every business man's organization. The Legislature sent a bill down to me naming the commission. I was put in a position of either saying we would be for the tunnel or would not. I had to either sign it or veto it. Nobody on the commission was appointed by me. The Legislature continued the existing commission. We provided a million dollars. I have nobody on that commission representing me, still everybody is looking to me. I heard the other day in a round-about way, nothing official from the State Commission, I heard the so-called Goethals single-tube idea, with the first and second story, cannot be worked out, notwithstanding that the name of the most distinguished engineer of the whole world was used to back up the plan. Now, after there has been a million dollars of money put into it, the new engineers of the commission say that will not work and somebody goes far enough to say that Goethals never said it was all right, and instead of a $2,000,000 tunnel, the new engineers think we will have to have two tubes, and the price will probably be $25,000,000. All I can do now is to shut down and see what the Legislature wants to do about it. I cannot initiate anything unless I do it in the form of a message; and if I do, I have got to do it on such information as I have gathered myself. The commission never came to talk to me about it. They never felt under any obligation to me. I did not appoint them. They were practically appointed by the Legislature.

Take what happened in the creation of the new Department of Narcotic Drug Control. The Legislature made up its mind, after investigation by a committee of its own, that we ought to do something in this State to curb the sale of narcotic drugs and control and keep track of it, and they drew a bill putting the function in the State Department of Health. A natural thing to do. Where else would you put it? After the bill got into the Legislature, somebody said no, we want a new commission. So they created a new commission to look into narcotic drugs. They gave them a $50,000 appropriation to study the narcotic drug situation and get a list of every druggist in the State and what supply of drugs he had on hand. It has no office in New York. The commissioner had to borrow a room from the Commissioner of Health down here, and

every time the two commissioners could not agree on anything the State Narcotic Drug Commissioner had to move. I sent a message to the Legislature early in my term and I asked them if they would not please transfer that function to the State Health Department. Now we have a completely organized health department in this State costing us nearly a million dollars a year with a sanitary supervisor, laid out in sanitary districts with a great deal of care and a great deal of thought. The most natural place in the world that you would put the job of supervising the drug sale was there. They said no, let the new commission keep it. Now, the new commissioner comes in this year and wants $181,000. He is a vigorous, well-informed, forceful man of character, formerly a member of the Senate. He said, "If you do not give me that, you may as well not have any commission. I do not care for the job if there is nothing for me to do. I took this position to satisfy you." That is what he said to me. All I could say to him was, "stick around and I will do the best I can for you."

Now, everybody is agreed upon this program of reorganization. There is no real argument made against it by anybody, and the only fear there is of it, is politics. That is the fear. Now, so far as I am concerned, there is absolutely no politics in it. I do not claim it. It came to me from the Reconstruction Commission, and no one can charge politics to the men that gave a great deal of time thinking it out. If you look the commission over from top to bottom, it is evenly balanced. It even has socialistic representation in the person of Steinmetz, of the General Electric Company at Schenectady. One of the Senators a short time ago said the Governor's commission had a wagon going around the State trying to drum up sentiment for his program. Of course, if we are going to leave the people of this great State in absolute ignorance of what is going on, then we ought to keep the wagons home, but if you want interest in the government, if you want the people of the State to know what is going on in the State, we have to send some agency out to them to explain it to them. Now, if a body of men, a Board of Trade and Transportation, the New York Chamber of Commerce and the New York Merchants' Association, get behind a program of this kind they can help it. I am satisfied to write any kind of a message they want me to write if they will pass this program. I will give them the full measure of credit. If there is anything they do not like about it, if they will come down to the second floor, I will talk it over with them.

There are several matters still in dispute, as you all know by your own program, and I always had an idea that the legislator who went to Albany and wanted a bill the way it is, did not want it at all; because all legslation in the last analysis has to be a matter of compromise. You cannot bring 201 men together and get them all of the one mind about anything that happens in this State. I think that was well illustrated in the constitutional convention, as the Journal remarked. When that body began its deliberations Senator Root wanted the Constitution condensed — the Constitution of the State was entirely too large. It was a big bluff; it was full of

legislation, and it had to deal with fundamentals and could be cut down to a small volume that would fit in your pocket. There was a man by the name of Austin from Albany. He represented three counties, and he was Chairman of the Committee on Rescission and he felt the weight on his shoulders of the responsibility of that chairmanship. In view of what the President of the Convention had to say, he sat down very solemnly and he went all through the Constitution and in a very early session of it his eye lit upon an old-time provision with regard to leases of agricultural lands — something that was put into the Constitution back in 1801 — something that was to take care of a situation in Hudson Valley where long leases were given. Why, he said: "There is something that can come out. We do not need that." So, consequently, the next day he brought in a report striking the agricultural lease section out of the Constitution.

The report was handed down at two o'clock on Tuesday afternoon and a man from Brooklyn talked against it until Thursday morning. Then, the President of the Convention ordered a roll call, and they all voted to leave it in. That is typical of the general feeling through this State, not to do anything. It is strange what a broad do-nothing spirit there is in this State. A great many people rejoiced — rejoiced the day the Legislature adjourned. Why should that be? If they were thinking along the right line, all of their happiness would be on the day it convened, because they would say: "Now, something is going to be done for the State;" but it is just the reverse, and they are satisfied not to do anything.

Why should the State Engineer be elected? Nobody ever gives a good argument for that. In fact, it is the other way. We have a State Department of Highways in this State today because the Legislature had assured the people if they voted to bind the State for $50,000,000 that the roads would not be built by the State Engineer. Now, that is a fact. That is how much use that constitutional subject has been to this State. There was a fear that the people would not approve of a bond issue unless there was written into the proposal itself that the roads would thereafter be built by the Highway Commissioner. I see you have one here, the question of the Attorney-General. So far as the Commission is concerned, so far as I am concerned, we are not particularly keen about that. If there is anybody who thinks that the election of the Attorney-General helps the State any, let us sit down and talk it all over. I will compromise. I am not going to stand on this or nothing. I am not looking for an issue. I am looking to do something.

Now there is just about one other thing that I think is worth while talking about. We talk about the cost of government. I want to make an accusation that the government of this State has got to cost more than it is costing today if we are going to carry out our plain obligations. Now, I mean by that, take the hospitals of this State. There are 38,000 men and women in the insane institutions of this State. As far back as 1895 or '96, the State took upon itself the obligation to take care of the insane. Before that time they were taken care of by the localities. Well,

gentlemen, how are we doing it? We are trying to make fifteen or sixteen million dollars do what requires twenty million to properly do it.

Now, who wants to shirk that obligation? Do you want to leave the hospitals of this State in the condition where you have one attendant for one hundred disturbed patients? I do not believe so. I do not think that there is a taxpayer or citizen of this State who, if that question was put squarely up to him, would be in favor of economy at the sacrifice of the State's duty to the unfortunate wards that we have promised to take care of.

Right here in the Brooklyn State Hospital it was called to my attention that in the women's wards the unfortunate patients had vermin in their hair. I sent over here to have it investigated, and the doctor of the hospital said, "Yes, what else are we going to do about it? Where is the help? Are you going to get people help us clean the heads of these patients?"

There are six or seven men in the section of the hospital where they are unable to leave the bed and are suffering from bed sores because there was not enough of people there to change the bed linen. Aside from that, what kind of help do you get for $30 a month? Well, $30 just about buys a pair of shoes and a hat, and still we are attempting to run these institutions with help paid at that rate.

The superintendent of the Rome Custodial Society for Children was down to see me two or three weeks ago and I asked him a point-blank question. I said, "What kind of a man do you get for $28 a month?" "Well," he said, "Governor, to be honest with you, they are just a little better than the patients."

Now, if we are just going to get these people and hold them in a building and leave them there, why that is one thing. Down at Central Islip the doctor there told Dr. Bailey and Dr. Biggs, whom I have requested to go down, that all during July and August of last summer they had to keep patients in the cottages. They could not let them out in the sunlight because they did not have any attendants to mind them. The force of the hospital is cut into half on account of lack of appropriations. I do not think we want that condition to go on. The same thing applies in every charitable institution in the State. You cannot get help. Here, we have put larger quantities of money in these matters and nobody to do the work because of the salary or price that the State is paying.

The same thing applies to our roads. We built cheap roads. We did not anticipate the five or six-ton trucks; consequently, the Superintendent of Highways asked this year for $15,000,000 for repairs to the roads, and the bond money from which these roads are built is all expended. The bonds have forty-four years to run, and the roads have broken down already. In thirty-five or forty years we are going to make contributions to the sinking fund to pay for the bonds, and the roads have gone to pieces already.

Now, these are matters which are of very great importance. So far as I am concerned, I will make this perfectly plain to you — I

will not, at the expense of the proper maintenance of all these departments of the government — I will not make any political record of economy, because it is not economy; and on that point let me make this very important remark, because it is part of the reconstruction program, and that is the part that deals with the work of the government. Let me say to you, in all seriousness, that to elect a man governor of this State for a two-year term is one of the greatest jokes in the State.

There is no question about it. I went into the Governor's office after twelve years in the Legislature. I had a great deal to find out. What about the man who has never been up there? You pick that man. You know, as a fact, there have not been very many legislators elected to the Governorship. They keep away from the Legislature. They pick out a man and say this will be true blood. Well and good. It all depends upon the man. The first year he is up there he cannot know much about it. He has to take somebody's word for it, and if it happens in the off year and he is elected Governor of this State, he spends a large part of his time up on the roof of the Capitol trying to see if he can see that big dome in Washington; and if that does not loom up before him, then he spends the best part of the second year mending the fences around the State so he can get back there. One of the ways of mending the fences in the country is to work economy, and that economy has usually been practiced at the cost of efficiency in the government of the State.

Now there is no question about that. All sums are stricken from the bill in the second year of a Governor's administration, figuring it this way, if I am re-elected I will put it back in January, and if I am not then let the other fellow worry. So that it is perfectly easy to see now that the term of the Governor ought to be lengthened. It was appreciated here in New York. We had the mayors elected for two years before 1904 or 1905. The first year of McClellan's term he was elected for two years and the Legislature changed it to four and then he was re-elected for a four-year term. It is recognized all over, but we stick to the old idea of giving the Governor two years; possibly the mistake in the theory is that we have a chance to elect the other one. But nobody can do anything in two years. It does not make any difference who he is, or what he ought to do. The next heard from, particularly if he did not spend his apprenticeship in the Legislature — that is the important part of the program and that takes in the question of making the term of the different department heads co-terminus with the Governor, because you can then find out whether a fellow wants to do anything. You have held him there long enough, and you would not bring about a condition where the heads of departments are entirely out of accord on fundamental questions, and all the Governor can do is to bring him up on charges, prove these charges, and put him out. No Governor wants to do that unless he is hungry for patronage, because in nine cases out of ten you would have to work the charges up. That has been done in the past. The trouble lies in honest opinion.

The Conservation Commissioner of this State is a very high class man; he understands his job. The enemies that he has made, he has made up in the north woods section by enforcing the law. There is no question about that.

I would not do anything to Pratt because he does not agree with my ideas about the water power, or should I; but you cannot expect me, or any other man, to have a force in office if he is to be surrounded by men who do not agree with him and he cannot remove them. The whole question comes down to one of really good business; what a business man who had a large corporation with many departments would do when he had a man in this or that department pulling against the man who is in another department. You would have no organization or fixed responsibility.

So you want co-ordinated effort. If you want economy, and if you want to stop the practices which have built up this strange looking machine we call State government, you must accept this plan. If the present situation is satisfactory, let it go and do nothing. This is the best time to do it because the Legislature and the executives are of different political faith. If they were one, the pull might be against the two of them. Nobody will stop me, nobody in my party or out of it will try to stop me. If the Legislature will take some attitude and come down and talk it over, and not start to find fault with it before it is introduced, we will get some place. I came ready to meet them.

I am thankful for the opportunity to come to a gathering of this kind and to talk it out, and if the Chamber desires firsthand information, Mr. President, at any time during the session as to just who has the monkey wrench, write me and I will frankly tell you.

At the Democratic State Convention held in Albany February 26, 1920

MR. CHAIRMAN, LADIES AND GENTLEMEN:

I thought a very few moments ago that you would probably be deprived of the services of Congressman Reardon from your Committee on Suggestions as to National Delegates when Mrs. Miller was talking about the Chatham Square barber shop — that is the Congressman's district, and as I watched him he was gradually growing white and I think I can imagine what he had in his mind. I think he was afraid Mrs. Miller was going to, at any moment, say, as soon as the two Chinamen had their queues fixed, they went in to vote.

The Republican party is suffering from a rare form of political disease. It is a kind of palsy that is superinduced by inordinate ambition and strong desire for a return, to use the language of one of their leading members, " to the good old days." If I was asked what, in my opinion, in the month of February, 1920, was the one great big issue affecting the whole country, it is the failure on the part of Congress to bring this country back to a peace basis and to write a treaty to the end that the commerce, the industry and the

money of this country may be poured into the channels of trade, and if I was asked why it did not happen and I read the history as it is being made at Washington, I would have to say that that Republican majority had stalled the intelligence of government in order that they may get their hands on the lever. I would have to say that they are more interested in the election of a Republican President, and a Republican Governor, than they are in a treaty of peace or the passage of progressive legislation.

Did you notice in the Republican declaration that little, short reference to the tariff? I hate to be critical of them to the extreme, but it amused me so much that I want to spread around some of the pleasure and joy I got from reading that little reference to the tariff. They know perfectly well that the American people will never permit any party to fool with the tariff schedule of this country again. They know full well, and they have to meet the charge and answer it any way they possibly can, that the Democratic party is entitled to the fullest possible measure of credit for taking the tariff out of the politics of the country for all time to come.

Now, that being true, and they being men of intelligence and of understanding, there must be a reason. That little reference to the tariff was just a little piece of bait. It was an invitation to the reactionary interests of the country to wake up a little bit and get busy — that campaign funds are needed. That was kind of waking them up. See?

The Temporary Chairman spoke about the force of unrest. But an alliance with reactionary interests that live by the favor of government, by a failure even to consider progressive legislation that makes for human comfort, and for human happiness, they have done what they reasonably could to add force and strength to these very forces that they are on the other hand attempting to control. Nothing is so weakening, nothing is so deadening, nothing has so bad an effect upon Democratic institutions, and upon Democratic government, as an unwillingness to come out in the open and debate any public question. And that is the treatment that nine out of ten of the recommendations that I made to the Legislature in 1919 — that is the treatment that they received. I have no patience or very much time to give to men that cannot rise up to the size of the situation that confronts them.

I love the Democratic party; I love it with all the intensity that any Republican loves his party, and I believe in it. I am sure that it is sincere. I am positive that it has honesty of purpose, but I will never put it forward one inch in this State at the expense of the State itself.

When I assumed the duties of the governorship on the 1st of January, 1919, this State was confronted with a number of problems left to us as an aftermath of the war that were pressing seriously for consideration. The usual agencies of the government were crowded with duties of their own, so I brought into existence a commission, made up of men and women from Niagara Falls to Montauk Point, that had given generously of their time and their energy to help the State and nation during the hours of the great war, and I asked

them to devote the same time, the same energy and the same application to the situation and problems that the State had to deal with after the signing of the armistice.

During the Republican administration of 1917–18 there was appropriated in this State over a million and a half dollars for the purposes of defraying the expenses of honorary commissions that were appointed to assist the State in the progress of the war. There was a considerable balance of over four hundred thousand dollars left in the hands of the State Treasurer from the original appropriation of one million and a half, and I asked the Legislature to give this commission that I appointed fifty thousand dollars for the traveling, clerical and office expenses, and what happened to it? For selfish party reasons they denied that appropriation, and the Reconstruction Commission, in the course of its procedure, was obliged to finance itself. Is that statesmanship? Is there anything about that that indicates a degree of broadmindedness, that gives the men that do it the right to say that they are doing what they can to help the State?

From that commission, after careful study, after consultation with men and women particularly fitted and qualified to speak upon the subject, I have sent to the Legislature a complete and detailed and exhaustive report. Not only does that report contain suggestions for the benefit of the State, as a State, but it is a great human document, and it contains suggestions to promote the health, the comfort and welfare of every man, woman and child living in the State. We have kept faithfully and well our Syracuse pledge that we do what we can to promote the interest of education in this State. I have urged with all the force and vigor that I could bring to my command the necessity for a State policy for the development and utilization of the great water power that belongs to the people of all the State, and is now running to waste, not only in the valleys and rivers, but along the line of the canal. I urged appropriations, and I have outlined a definite, democratic policy for the completion and full utilization of that great, internal waterway that was erected at a cost of one hundred and fifty million dollars. I have recommended, and the democracy of the State stands behind it like one man, the most progressive and the most forward looking social legislation that has ever been recommended in this or any other State in the Union — protection of the public health. What does it all mean? Is it that this State has not the brain and ability to benefit by the awful lesson that grew out of the war? Divine Providence, in His wisdom, makes all things equal, and any time you make a great sacrifice, there resolves back to you a result of some good. It must come, and the State that stands back and fails to take advantage of the lesson, is cold-blooded, is deliberate and is wilful. We had taught to us with unusual severity by the draft that one-third of all the men in this State between the ages of twenty-one and thirty-one were physically unfit to fight. How appalling would the figures be when you pass that age, and if the State does not, through advanced health methods, through advanced health administration, through the subsidizing of clinics and public health centers for

mother, for father and for child, take advantage of that lesson, the man that puts his hand in the way of it is willful, he is deliberate and he will have to answer to the people of this State.

We have poured millions of the money of the people of this State into the conservation of natural resources. I know that the people will stand behind me when I put my name to any amount of money that is intended to conserve the great human resources of the State.

In the session of 1919, progressive social legislation, bespeaking the great heart and the great conscience of democracy, passed a Republican Senate, only to be stifled in committee in the Republican Assembly. Nothing that I can think of, nothing that I can imagine doing makes more fertile the soil for the seed of discontent than to think that one man, two men, or even a dozen men, speak for the Assembly of this State. That won't do. If there is any influence in this State strong and powerful enough to choke free debate in the popular branch of the Legislature, that is the thing that we must direct our attention to, because that is the cause, that is the root.

I have recommended to the Legislature this year, not only what I believe to be constructive reforms in the government of the State itself, but we have dealt with the hope and with the idea of benefiting pretty nearly every human activity that the State could take under its control. Bills for better housing conditions; bills in the interest of the public health; bills to create a State Milk Commission for the control of that great commodity in the interest of the public health; bills calling for the reorganization of the Department of Agriculture and Farms and Markets; bills for the extension of the Workmen's Compensation and to cure the evils that crept into the administration under direct settlements between the injured and insurance companies. That is the program that is spread out on the hill.

The duty is right up to the Republican party; they absolutely control both houses. They admit it. They take full responsibility for it, and let us very earnestly hope that if they turn that program down there will be no shortmindedness on the part of the people of our State, so that they can know where to place responsibility and where to lay the blame.

The democracy of the State is to be congratulated for what it did achieve. It is to be congratulated because in the Extraordinary Session in the month of June it placed the Empire State, the greatest State in the Union, squarely and properly on record on the question of universal, national suffrage. At the same session it passed the act for housing in great centers of industry and population.

I came to Albany the 1st of January, 1919. I came here with one thing in my mind, and that was that I would either demonstrate to the people of this State that you can take a plain, everyday Democrat from Park Row, and he can be Governor of this State, or else by God, I will lie in the gutter. I assure you I have worked at it with all the energy and all the strength that I have and recently it has not been so easy.

The effectiveness of the Eighteenth Amendment takes away even the few moments of cheer. But, however, we have the comfort and

satisfaction of knowing that our action upon that question was honest, and that is what the other fellow cannot say. We took a fair, square and democratic position. There was no hypocrisy about it. It was open and above-board. And when the time comes for a discussion of that issue, I defy the majority, particularly in the Senate of this State, to be able to say that same thing.

Now, Mr. Chairman, we have considerable business to attend to, and I know you will all hear a good deal from me a little bit later. I perhaps could keep on talking about this, no matter what happens, and I think that it is a hopeful sign, it is encouraging for the men who are fighting for democracy to see a gathering of this kind, and the enthusiasm that has attended it ever since it reached the city. It is a clear indication that democracy is in the heyday, and in the noon hour of power, not only in this State, but throughout this country, and usually can remain so long as the record is right, and as long as the American people are sound-headed, right-hearted, conscientious and fair.

State-wide Legislative Measures — Meeting at Iroquois Hotel, Buffalo, March 13, 1920

MADAM CHAIRMAN, AND LADIES AND GENTLEMEN:

I desire to strike the note at the beginning of my remarks which was taken by the Chairman. There is no politics in any of the bills I am going to speak to you about. There is nothing local about them, they are State-wide measures; they are entitled to and I believe they will, if enacted, promote the general health and general welfare of all the people of this State.

My conception of a political bill is a bill that deals with primary laws, deals with election laws, that has to do with the internal management of the great parties. But I can see no politics in any bill that is intended to promote the health and welfare of the people of the State, of women and minors. I would also like to have it understood that it is not my purpose in visiting either this city or the city of Syracuse to conduct any campaign against the legislature, I have too much faith in it. I regard it as a very important branch of the government of this State, and I take that from the Constitution itself, which is the printed and written law of the people. What I am here to do is to awaken your interest in the bills that are pending, to the end that you may take such means and such measures as you see fit to impress your ideas upon your representatives, if I make good my case.

In my first annual message to the Legislature I recommended that liberal appropriations be made by the State to encourage young women to enter our training schools for the great profession of teaching the youth of this State. I haven't the slighest doubt but what that request will be complied with by the Legislature to the limit of the State's ability.

I recommended that sufficient money be appropriated to finish the canal. I placed that upon plain, ordinary, every day business prin-

ciples. The people of this State bonded themselves, and incurred an indebtedness of 154 millions of dollars for the construction of the Barge Canal, and in its present condition it cannot bring a return that the people are entitled to for that enormous expenditure, and it is plain business that the balance of the money, to the tune of some 30 millions of dollars be authorized for its construction, in order that it may be the great internal waterway that was intended by the proposers of the act very nearly twenty years ago. On that point I expect no contention, and I expect that the Legislature will see it in the light that I view it.

I recommended that there be enacted some financial policy in this State for the development of water-power. We have been blessed by a Divine Providence in this State with great natural resources that we have made little if any use of, so far as bringing benefit to the people themselves is concerned. There is enough water running to waste in this State to develop enough electrical energy to light every home in the State of New York, still we are bringing into this State from the State of Pennsylvania car load after car load of coal for generating what can be generated by harnessing up the rivers and streams and water falls of this State. Upon this problem we can expect some difficulty, but I recommended it in my message of last year and a bill carrying it into effect was introduced by Senator Graves of Buffalo (applause). The Senator worked vigorously for his bill, he gave it earnest, honest, sincere and intelligent attention and it passed the Senate, but met its death in the Assembly.

Now, there are three groups of people in this State studying water-power development. The first group contains the men that believe this State should grant its water power rights to private individuals for a small return to the State. That was our policy for a great many years, beginning back in 1895 and running to 1905, when it was necessary for the federal government through the provisions of the so-called Burton Act to reach its hand into this State so that Niagara Falls might be saved from the private water power interests that were diverting the water power from the Niagara river above the falls, and a treaty was enacted between the government of the United States and the Dominion of Canada for the preservation of the falls and for a proper understanding between the two great communities as to the diversion of water for all time to come.

The water power interests marched across the State until they came to the Long Sault Rapids in the St. Lawrence river, where the greatest possible development of water, aside from Niagara Falls could be found, and in 1907 that great water power was granted to a development company for a consideration to the State of less than $25,000 a year, and the water power itself was worth millions and millions of dollars. In 1913 the charter of that development company was revoked by the Legislature, and the revocation was sustained by the Court of Appeals. So that that great water power has returned to the possession of all the people of the State.

Now, the second group is made up of the men that believe in State development with long leases for private operation.

The third group is made up of the men that believe outright in absolute State development and State control.

The Eight Hour Bill is a further step, following the resolution of 1911, reducing from sixty to fifty-four hours, the hours per week that women may be worked in factories. I do not myself believe that there is any serious opposition to that by any manufacturer in this State. I think that the business people of this State, as well as the business people in this country, so far as labor is concerned, are beginning to recognize universally the Eight Hour Day. It is recognized in all of the industries that are unionized. It should be extended to the women that work in factories and in mercantile establishments.

I recommended to the Legislature that more liberal appropriations be made to the hospitals for the care of the insane. Prior to 1894 the care of the insane was a purely local problem; the different municipalities of the State made their own appropriations, but in order to have a unified system, in order to have coordinate endeavor, the State took over from the different municipalities that burden, and they took the responsibility for it, and it is because I am afraid that we are not discharging that responsibility in good faith that I make the suggestion that more adequate appropriations be made to those hospitals. The State has not attempted to compete with outside business and outside endeavor, and its employees are leaving it. The wage schedules of ten, fifteen and twenty years ago cannot obtain today; the State cannot get the people. You cannot get an attendant for thirty dollars a month and then ask them to sleep in outhouses and in cellars, as is done in some institutions of this State.

It was brought to my attention that at Kings Park, Long Island, last year, the unfortunate insane, the wards of the State, were kept indoors during July and August because the hospital did not have attendants enough to watch them. Now you cannot let that go on. Nobody in the State wants that. There is nobody here in this State that I ever met that was so niggardly when it comes to taxpaying that they were willing to have the State not develop to the very last degree its sacred obligation to take care of its unfortunate wards. They may be keen about expenditure of the money; they may be keen about waste; they may want to know that the public dollar goes as far as the private dollar, but they never mean that it should be held back at the expense of a sacred obligation of that kind.

The same with the feeble-minded; there are 35,000 feeble-minded people in the State of New York, certified to by Dr. Pierce Bailey; certified to by Dr. Hawkins; certified to by the State Department of Health, and that is without question, and the State has taken care of only about four or five thousand of that 35,000. It is a false economy. You had better take care of the feeble-minded boy in an institution where he will be treated medically, because in too many instances you have to take care of him afterwards when he has to be put in some place for the protection of society. We should not fool ourselves about it. It is a great question, and it has got to be tackled and handled in a broad, big, liberal way.

In the State hospitals of this State there are now 35,400 insane people; it is a big burden; it costs 16½ million dollars a year, but we have got to assume it. It is as sacred an obligation as this State has resting upon its shoulders and adequate and ample appropriation must be made if the State is going to do its full duty.

I have asked for the extension of the provisions of the Workmen's Compensation Act in order that there may be comprehended within its provisions men who suffer from industrial diseases, or occupational diseases. There is no doubt that the original intent behind the constitutional amendment that empowered the Legislature to enact the legislation had in mind the care of men who suffered as the result of occupational diseases, but the statute as originally written comprehended only men that met with injury as the result of accident. Now that means very few of the different trades or industries in the State. There should be no objection to it, and there is none that I can see, and although I recommended it last year, it failed of passage, and one of the prominent members of the Legislature speaking to me less than a week ago said: "Why we passed that last year;" I said, "you did?" "And I recommended it all over again! (Laughter.) I said "Senator, let me tell you something; you passed so few things that I recommended last year, that it would be impossible for me to forget any of them" (much laughter and applause).

Now there is pending in Albany also some legislation that has a very vital effect upon the human life of the State. In our big cities, unfortunately, our people pay little attention to, or have little knowledge of the Department of Agriculture and its related bureaus, particularly the Bureau of Farms and Markets. Now I say it with the kindliest feeling, because I was just the same about it myself until I understood it; it is not to speak disparagingly about anybody to say that you have no understanding of a thing, because there is nobody understands everything, but the general disposition of our people in our great cities is to say "Oh, well, the Agricultural Department, that is for the farmers, that has nothing to do with us." Why there is nothing in this state today outside of the Department of Education, and the Department of Health; there is no more important industry that the State is engaged in than in promoting agriculture, and promoting the science of farming and of marketing food products. It has a personal relationship to pretty nearly every family,— it has, to every family in the State. One great, big problem that we have before us today is how to bring the product of the farm closer to the kitchen (applause). How to get rid of the waste; how to overcome the costs of transportation and delivery: the useless cost; the duplication of effort; the profits of the middleman. That is a wonderful problem. It has not been half approached in this State, and why? Because we have down in Albany, and I speak from the record, and I say it not in a partisan way, because I do not know who the men are,—we have a politically organized Council of Farms and Markets that is unable, because of its own creation, to function properly. There is a lack of responsibility; nobody knows who to go to. The Governor has been stripped of every vestige of power

over it. Who, in this room, knows who makes up the personnel of the Council of Farms and Markets? Nobody knows anything about it. It is a large board of nine people, with overlapping terms, elected by the Legislature. Why the Legislature? It is not a legislative function to elect an administrative officer. The legislative function is law making. Administration belongs to the government; to the man who ought to be responsible, and who everybody thinks is responsible (applause). Well I can't get the right time from the Council on Farms and Markets (laughter). And here this important activity, so close to the comfort of the people of the State is removed entirely from the executive and is vested where nobody has any control over it. I knew all about that a year ago. I didn't have to have that explained. I understood it. I knew the purpose. I knew what they had in their minds when they did it. Somebody came along and suggested that you erect a regency for agriculture the same as you did for education and remove it from the fold of practical politics, but you cannot do that. There is a great difference between the function of education, and the function of promoting agriculture and marketing. There is nobody in this State against education; there is no force pulling in that direction, but a large part of the development of the Department of Agriculture, and Farms and Markets is the recollection of some fellows before us who are always going to resist so far as it lies in their power. Well I say I knew about it. I had a conference with the agricultural leaders of the State, and I laid a program in front of them, and they agreed to it. I had a conference with the Council of Farms and Markets themselves. I walked in unexpectedly on them one night in Agricultural Hall in Albany, and sat down with them, and we talked it all over. After we finished our conference they said "Well we will join with you." So we all went up to the Legislature with what looked like an absolute agreement for a single, responsible head. Somebody that everybody could look to and say "that is the man." Poor old John Mitchell, who was then chairman of the Council of Farms and Markets, and of the Industrial Commission, came in to see me three or four days after, after they had a conference with the leaders of the Legislature, and he said "nothing doing." I said "That can't be the case;" he said "Well that is the answer, nothing doing, they just simply won't do it, that's all." Well I appointed a Commissioner, under the provisions of the Executive Law to investigate the Council of Farms and Markets, and lay it before the people of this State, and in one of the most comprehensive reports that I ever read, clear, closely defined, hewing straight to the line, there is laid before the people of this State an unanswerable argument accusing the department of inefficiency if of nothing worse. Legislation carrying out the recommendation of that report is before the legislature in Albany, but unless there is concerted action; unless there is a healthy, living, vigorous, wholesale public sentiment behind it, it will travel the same route that I am afraid the rest of them will go. There is really little more that I can say about it. I have talked it, and talked it. I got no argument. Anything that makes matters worse in the world is not to get an

argument. To sit any place and have everybody look at you as if they agreed with you, and then go out and do the other thing (applause).

Now comprehended in that, of course, comes some related questions. There has been propaganda spread throughout the State by interests that may feel that they would be affected, against a proposal, for instance, declaring that the production and distribution of milk ought to be a public utility. Now that is an opposition that is predicated on a clearly erroneous theory, that the State is going to oppress somebody. That never happened. That cannot be done, not while we have a constitution, and not while that constitution contains the "Due Process of Law" clause. We are trying to see what we can do in this State and in this country to meet the argument of the forces of unrest that are broadcast, not alone in this land, but throughout the world. Nothing provides for them a more fertile field or soil for sowing the seed of discontent. Nothing makes surer the approach of the doctrine of the man that would cry out for the downfall of the State, and the dissolution of the Union itself than to let them think that three or four men in this State can sit down around a table of that size and declare that six million people in the city of New York will not have any milk for three days. Now don't let's fool ourselves about that; that happened, and I know that it happened, and I could come pretty nearly, if I could draw well enough on my memory for names, I could come pretty nearly telling you the names of the four men that made that decision. Did they have any thought about the health in that community? Were they thinking of sick people? Were they thinking of convalescent people? Did they have in their minds that little children had to have their milk? They thought only of a disagreement that they had between themselves, and they thought that was the way for them to end affairs. They would get submission.

What the people of this State want to know is, what are the facts; there is too much misrepresentation, and the only way that the people will feel satisfied today is to know that the State itself has some hand in its regulation, and upon what theory? It has been said by a man that dealt with the question from the side of political economy, that if you do that, you can do it with everything else. That is a mistake, for this reason,— milk stands in a class by itself. It wouldn't hurt me if I didn't have lamb chops or a sirloin steak for the next two weeks, but milk is an absolute necessity. You have to have it for children; you have to have it for sick people and for people that are convalescing; it is just as important as a supply of fresh clean pure water, and it was so when we bought that entirely, in our great centers of population, from private companies, and who would suggest that we go back to that? There again they lose sight entirely of the important element, that that is an exercise of the police power, again I say, for the preservation of the public health.

Now no man that is in business need fear this State. We have regulated a greater and a more important, and a vastly more far-reaching line of endeavor than for the production or the distribution

of milk, and without any loss or without any fear to the man that is honest, or to the man that is fair, but beware of the State when any three or four men can sit down around a table and throw out the suggestion of dissension and of anarchy by dictating to half of the population of the State what it has to do, in order that one side of an argument may conquer the other. Why we are idling away time talking about the teachings of Americanism. A lot of our people have an insane notion in their mind that Americanism consists only in a knowledge of the English language. Somebody says: "teach them how to read and write English and it will be all right." Everybody knows that is an absolute fallacy. Some of the worst enemies that this country has, can speak the English language, and unfortunately,—unfortunately, I say, they can speak it altogether too fluently.

What we need today in order to carry on a successful program of Americanization, is to have the people understand what this government is trying to do; have them understand that it belongs to them. Have them understand that the constitution has a personal relationship to themselves. Have them understand that it is written for the protection of their rights against the tyranny not only of an aggressor from the outside, but against the tyranny of the majority at home. There is no question about that; but we must also have them understand that that document was not drawn alone for the protection of money and property, but that it was drawn somewhat for the protection of individuals, of human beings. Because that is what the State is, and when they understand that they have a natural desire to live up to those laws, and to respect the constitutional authority that speaks for it. Nothing today has done more to set that teaching back than to let anybody think that influence from the outside can prevent debate in every house of the Legislature upon those bills that have to do with the welfare of all the people of the State (applause). Discuss them; talk about them and let the clerk call the roll. If 76 Assemblymen say no, and 26 Senators say no, that is the end of it. The great cardinal, underlying fundamental principle of democratic government is the rule of the majority, but don't broaden the field of the agitator; don't make the doctrine of the anarchist; don't buoy up the hopes of the Socialist don't make good the teachings of the I. W. W. by having some outside, subtle, loose, unseen influence dictate to any legislative body that those measures must not even be voted on (applause. Now that in substance is really the burden of my message. I have no desire to force my ideas about those things on anybody; not at all. I could sit down quietly in Albany and take a good rest for myself, enjoy the mansion with its 22 or 23 rooms, go and have a vacation for myself and be freed from all responsibility for those things, but I believe so firmly in them, and I feel so satisfied that we ought to do it, for the protection of the State itself, that I am entirely satisfied to walk around and frankly lay my ideas before the people in as large groups, and as often as my strength will permit it, with no desire to quarrel with the man that feels the other way about it. That is perfectly right. Why I never agreed with everything in the Assembly when I was

there. I was mad enough at times about some of the things that were done, or sought to be done, that you could hear me down at the Union Depot (laughter). But that is democratic government. This country was built upon that theory. Everybody likes it. Why, the man in the Assembly that gets beaten by the roll call after he makes his argument, is entirely satisfied. He does it like the fellow that comes down to see me, and when he comes in he is roaring, and I say 'sit down now and let's hear what you have got to say.' Well, it takes quite a little while, and you have to have considerable patience, but when he gets it all off, and his chest is relieved, he feels satisfied to think that he lives in a country like this, and he goes away perfectly contented although he may not get the slighest bit of encouragement for the thing that he is seeking to do (laughter). Now that is all I ask, and it is for that reason that I came to Syracuse, and to Buffalo, in order to have this message passed out and spread out through the populations of these great cities in the central and western part of the State to the end that I may feel that we have done all that we possibly could to make the argument we have for the welfare and benefit of the people of this State.

At Annual Banquet of the Friendly Sons of St. Patrick, New York City, March 17, 1920

MR. CHAIRMAN, DISTINGUISHED GUESTS AND MEMBERS OF THE FRIENDLY SONS OF ST. PATRICK:

With a keen appreciation of the lateness of the hour, I will not attempt to make a speech; but it would be very difficult forage as your honored guest to allow this occasion to pass without a word or two.

Governor Glynn said there was some question to be settled between President DeValera, the Governor, and myself. I would respectfully suggest that the men send their room numbers up to the table in order that there may be that settlement.

The Governor knows the history of this State better than any other man I have ever listened to, but he is just a little bit mixed up on Indians — and he had the Mohawk tribe protecting New York. There is another tribe that takes care of New York, and it will be a sorry day if a Mohawk ever comes in here without the pass word and without the high sign.

I was deeply interested in the story of the governor who got $400,000. I missed his name, but I understand that he has long since passed away; probably it would be no real benefit to look him up.

I feel very amply rewarded for my long trip from Albany by the pleasure that is afforded to me in attending this banquet, and I am very glad to bring to the assembly tidings which I know you will well receive: the State of New York, between the City of New York and the City of Albany, went wet in that the Hudson is flowing over the Central tracks.

Not only am I honored by the invitation to attend this dinner, but I had the honor and distinction, as the Governor of this State, to witness the parade. I have looked at parades during my term as Governor and before I was Governor, and it was a great sight to see 250,000 determined-looking men and women marching up the principal avenue in the greatest city in the world for a principle that will never die and never can be adjusted by compromise.

We have heard in the last few years a great deal of talk about self-determination for the small nations. What man is there in this country, or in any other country, with an open mind, with a free mind open to reason, open to common sense, ready to listen to justice, ready to pay attention to that which is right, who can say that any nation in this world more deserves, after a long history and an honorable record, the right of self-determination than does Ireland?

It is a long time now that there is glory enough in the world — and after all it is only history repeating itself; and, as Richard Lalor Shiel said in the House of Commons, the Irish were partakers in every performance, but in the glory they have never participated; that is just as true today as it was when it was uttered by Richard Lalor Shiel. Men can stand upon platforms, in public gatherings, or in public meetings, and this question of Irish freedom can be discussed for hours, aye! for weeks, or even months, but there will always stand out from above it all one characteristic of the Irish people that will never down, and that was exemplified today and is being exemplified every day; that is the fact that, after centuries of oppression we have never lost a single inch of that national spirit which, if anything, is stronger today than ever it was.

We have our part to keep that alive. There is no doubt that gatherings of this kind help, too, but there is something else that will help it more: let every Irishman and every son of an Irishman live his life clean, live it right, live it out in the open so that the lesson and the example that they preach will have its example on every class of the people, and in due time Almighty God in His Divine wisdom and in His justice and in His mercy, will give to Ireland the place that she deserves among the nations.

Free Synagogue Anniversary Dinner, Hotel Astor, New York City, March 28, 1920

MR. CHAIRMAN, LADIES AND GENTLEMEN: In a great deal shorter period than the seventy-five years spoken of by the Doctor, no man that attempts to live up to the duties, social and otherwise, of the governorship will have very much trouble in becoming that distinguished one in the group of five.

I certainly knew that I was going to be at home tonight, and if a man by the name of Mack can say "Fellow Zionists" and get away with it, I can see no reason in the world why Smith can't do the same. While we have by constitutional law prohibited the Legislature from changing individuals' names, we permit it to be done

by the Supreme Court upon motion, and the number of men that have left the " s-k-y " off and became Smith is very astounding.

The Judge spoke about the influence of the Rev. Dr. Wise. I am free to confess that I am here tonight a little bit under orders, and being, as you all know, " a well disciplined member of Tammany Hall " I take orders. My recollection of it was that I was not invited — I was directed to come down tonight. The Judge said there were some short speeches and some long ones. He didn't indicate the class in which I belonged, so when I grow tiresome I will leave it to the Judge to drop the hint that I was in the short class.

There is technically only a separation between church and State, planted in the minds of a great many people by the constitutional prohibition against the use of public funds for sectarian purposes, but in fact and in reality there exists the closest union between the State and the church for the work that the church has been doing for the State, and there has never been a time in the State's history when it needed that work as much as it does today.

We hear a great deal of talk about Americanization, and we hear fanciful notions that a great many people have upon that particular subject. Unfortunately too many people believe that Americanization means the education of men that come to this country from other countries. It means infinitely more than that. The knowledge of the English language is not the essential thing for a real program of Americanization because it is quite unfortunate — and we all realize it — that some of the worst enemies that this country has can talk the English language altogether too fluently, and they have been doing it in so convincing a manner that they have materially added to their following. The church can do the work as no other agency. Americanization consists more than in any other thing in implanting in the heart and in the mind of the man that lives under this government what its aims and purposes are and what it really means. To do that, there must be an understanding of the Constitution of this State and the Constitution of the United States. There must be an understanding of what was meant by the Declaration of Independence and what relationship that Constitution bears to that Declaration and what relationship that Constitution bears to the men that have come here to live upon and work upon a platform as broad and as comprehensive as that Declaration of Independence.

We have two distinctly different types of men to deal with. The man that disagrees with our form of government, the man that may not be in accord with all of our ideas, is perfectly welcome among us provided he attempts to put his ideas into operation by the orderly processes that are laid down in the fundamental law. That it was intended by the forefathers that he should always be welcome can best be understood when we realize what they had in their mind when they wrote in the Declaration a fundamental principle to last forever — the right of free speech. As distinct from the other man, or the other class, who by sowing the seed of discontent, by preach-

ing the gospel of hatred, would seek to overthrow the government by force, that is an entirely different proposition, and we have means at our disposal for dealing with that gentleman.

No, probably no man in the public life of this State more keenly appreciates the fact that Americanization does not lie solely in the question of educating the foreigner in the English language than I do, because I have lived among them all of my life, and I hold it as a principle that cannot be compromised with that the man that comes to this country, rears his children amongst us, sends them into our public schools, has a respect for the dignity and the majesty and the sovereignty of our law, is just as good an American, whether he can speak our language or not, as any man that can point to a long and unbroken line of New England ancestry.

Feeling as I do, and, as I said at the outset of my remarks, that no agency that the State could bring to its command could be as potent in spreading her influences as can the church, it should be a matter of satisfaction and consolation to us all to hear from the words of your distinguished Chairman tonight of the great growth of your congregation in such a short period of time. I came here tonight to take part in this celebration, and speaking not only as the Governor of the State but as a personal friend, I earnestly hope and trust that Almighty God will spare Dr. Wise that health, that vigor, that fearlessness that will keep him in the position that he occupies and will provide for him a church and synagogue of his own, a roof of his own, and a pulpit of his own in due time that he may continue the great work that he has done for this city, for this State, and for this country.

To the Women's Civic League of Abany, on the question of a reorganization of the State government — Extracts from speech at Chancellor's Hall, in Albany, April 14, 1920

In the report of the Reconstruction Commission, recommending the reorganization of the State government, prominent citizens of the State, without regard to politics, have concurred. The plan has been indorsed by Chambers of Commerce throughout the State and by civic bodies generally. The only influence opposed to it is that of place-holders who fear for the future safety of their positions.

The question to be determined, therefore, is whether or not a small but influential group shall have the power to defeat the will of the great majority of the taxpayers of the State in whose interest the plan is put forward. The very apparent inconsistencies in this government which it is intended to remedy, give rise to no argument. Nobody has attempted to explain why the State should maintain six different engineering bureaus. Nobody has offered any reason why the State should have six different tax-collecting agencies. Nobody has given any good reason why the 187 different agencies of government, spread out all over the State, should not be consolidated into eighteen different departments, with their various duties co-ordinated and their overhead expense materially reduced.

Senator Sage himself, the only outspoken opponent of the plan, admits that this could be done, but, nevertheless, is standing in the way of doing it.

It is conceded by every thinking man and woman throughout the State that a term of two years for the Governor is entirely too short. It may have been all right thirty-five years ago, when the duties of the Governor were practically nothing by comparison with today. On this very point Senator Sage says: "We do not believe in lengthening the term of the Governor to four years." I do not know whether or not the Senator is speaking for the Legislature or for the people when he says "We."

It is a well-known fact to every student of our State government that no man, unless he shall have enjoyed long legislative experience, can understand anything about the government of this State in the short term for which he is elected.

The Senator takes exception to the executive budget. That might well be expected, because the Legislature naturally is jealous of its prerogative to control the expenditures of the State. But at no time in its history has there been more abundant evidence of the necessity for a reform than there is in the very budget that came to me within the last ten days.

The Senator entirely misunderstands the theory of an executive budget. He holds it to be a restriction upon the Legislature. That is not so. The Legislature, after it makes provision for the fixed charges of the government, under the plan suggested by the Reconstruction Commission, has abundant latitude — in fact, absolute freedom — to pass any financial measure of any kind that it may see fit.

But what the Governor's budget plan will do, and what should be done, is to stop the Legislature from increasing budgetary items above the requests made by department heads, and by the Governor charged with the administrative duties of the office to which the appropriation is made.

In the budget just passed on by me, items were increased by the Legislature for which increases no individual is willing to accept the responsibility. In one instance, a State officer informed me that he knew nothing about the increases that were made in the budget of his own office, and the Governor is left helpless, in that, under the present system, he must either entirely eliminate the item or accept it.

In his recent speech at Rochester, Senator Sage said that Cornell University would be deprived of an opportunity to change its budgetary lines in January as against the requests of October last. There is no foundation any place in the proposed plan for that statement. The budget might well be accepted as proposed by the University itself, and as O-K'd by the Governor and the increases thereafter made in special bills, so that the reason for them might be apparent, not only to the members of the Legislature, but to the people of the State as well.

One of the salutary features of a Governor's budget system is the necessity for making public all additions made to it by the Legisla-

ture for whatever reason, and incidentally requiring that the reasons be made public.

To that procedure nobody can take exception that desires to deal intelligently with the financial problems of the State.

This scheme is either good or bad. If it is supported by general popular opinion, by a unanimous press, by interested citizens generally, and by members of the Legislature themselves, what objection can there possibly be to a frank and free discussion before both Houses of the entire reorganization proposals? Why is it necessary for the Senator from Albany to travel all the way to Rochester and there say, "We do not believe in lengthening the term of the Governor to four years?" Why not have that matter brought up for discussion before both Houses of the Legislature? And, above all other things, inasmuch as all these proposals must be submitted to the people themselves for amendment to the Constitution, how can the Senator, say "I very much doubt whether the people of the State of New York are for this change," if he and his colleagues are unwilling to submit the question to them?

It is pretty nearly time that this whole proposal be stripped of the political camouflage intended to make it look like something that it is not.

A principle is something that cannot be compromised with. There may be differences of opinion as to how best to reach the principle.

I have repeatedly stated, in public speeches in different parts of the State, that my office is open to the Legislature — to any one ready and willing to come and discuss it with me. Up to tonight, at the very minute that I am making this speech, not one soul standing in opposition to this program has been willing to come and confer with me.

The adoption of this plan means progress in the government of the State, and I do not think that I have to dwell very long upon the question of how hard it is to get that under the present system. In fact, proposals have been made that to my mind mean a backward step. The creation of additional regencies over activities of the State, removing them from the control of the Governor as the Chief Executive, means further complication and a further removal of the government from the people themselves.

If you want the Governor responsible to the people give him the power. If you simply want him as a respectable figurehead, then distribute the power among countless unknown agencies that the man in the street knows nothing about but has to pay for year after year in the shape of property and income tax.

For the first time in the history of the State we have in 1920 asked everybody to put up their share of maintaining the government. We owe it to them that we bring about a condition that will keep down the amount of that payment, and will render to them a full dollar's service for every dollar they have to pay.

I make the claim, and I am prepared to back it up, that this cannot be done under our present system. It can be done by co-ordinating the different departments, reducing the overhead, stopping the waste

of duplication of effort, cutting down the rent and traveling expense bills, and erecting in the place of the present disorganized, scattered, disrupted form of government a responsible one with a small number of departments presided over by competent men responsible to the Governor, who in turn can be responsible to the last degree to the people of the State.

At the Convention of the New York State Federation of Labor at Binghamton, August 25, 1920

MR. PRESIDENT, DELEGATES TO THE ANNUAL CONVENTION OF THE STATE FEDERATION OF LABOR: Following a well-established and long-time custom, the convention serves as the medium for the mingling and getting together of representatives of great organizations interested in a common cause. For that purpose the convention was first thought of; for that purpose it exists today, and it is always hoped that there will grow from it something of mutual advantage to all the people so leagued together.

A year ago I had the pleasure of addressing your annual convention in the city of Syracuse. We spoke at that time at great length of some of the things that we had in mind, or that we hoped to be able to do, which would be of benefit to the workers of this State.

To use the less harsh phrase, there were those in control of the Legislature in Albany who were unable to see merit in a great many of the proposals that were put forward at the last session of the Legislature. However, it is a matter of congratulation to all of the officers of your Federation and your Committee on Laws and Legislation, who worked very earnestly and very faithfully during the winter months of this year, that something has been accomplished.

Last year I spoke of the achievement in the Compensation Commission by the abolition of the "direct settlement clause" in the Workmen's Compensation Law. This year we succeeded in passing and putting on the statute books a measure to increase the benefits provided by the Workmen's Compensation Act. We also succeeded in adding a provision to the law permitting the State to extend the benefits of workmen's compensation insurance to men who suffer because of occupational diseases. Ever since the enactment of the law in the first instance, I was personally of the belief that it was the intent of the constitutional amendment which made that enactment possible that benefit should be given to men who found themselves ill because of the occupation in which they were making their living. On the other hand, a number of profound students of constitutional law were of the opinion that the constitutional provision had reference only to illness growing out of injury or out of accident — accidental injury. However, I believe that we have made a distinct step forward; I believe that we have accomplished a great deal when we have by statute law recognized that that constitutional amendment comprehends illness brought about by an occupation that in itself and of its very nature is harmful to the health of the worker.

I think that it was a very distinct forward step to pass the act providing for the rehabilitation of injured workmen. That, of course, was a step which only experience could teach us. The men who framed the Workmen's Compensation Act some seven or eight years ago had in mind meeting the immediate necessity (quite a natural and quite an ordinary thing), but experience taught us that there was something beyond the meeting of the immediate necessity, and that was the rehabilitation of the injured man after his injury and after his complete recovery in order that he might be returned to the ranks of producers who suffered by his injury in the first instance.

I believe it was a forward step to appropriate of the State funds sufficient money for subsidies for vocational training just as I believe it was a forward step to make the necessary appropriations to the Department of Education to remove, as far as it can possibly be done by a State agency, illiteracy throughout the State.

The Absentee Voting Bill, passed pursuant to the amendment to the Constitution, will have a beneficial effect upon men engaged in a line of labor that makes necessary their absence from their home places on election day.

While we have abundant reason to be thankful for what has happened, there is still much to be done and there is a great deal in connection with the government of the State, so far as it relates to laborers and their health, their well-being and their comfort, that has not been done, and it would not be amiss to say that there is good reason for some dissatisfaction with the attitude of a great many people in this State towards some of these measures. Frankly speaking, I am not today satisfied with the conditions in the State hospitals of this State; I am not satisfied with the salaries that the State is paying to the people who are employed in that important work of caring for these unfortunate wards of the State.

During the legislative session, I appointed a commission made up of Dr. Bailey and Dr. Biggs, the State Health Commissioner, and I asked them to make a survey of the State hospitals and report to me the conditions that they found therein and the remedy. This was not done because of any lack of confidence in the State Hospital Commission, because I believed they were a straightforward, intelligent and industrious commission that was particularly able to cope with the situation that confronted them, but it was necessary to make some impression on the Legislature from outside of the commission in order that they might understand that no selfish motive prompted the desire to better the conditions under which the employes and inmates of the State hospitals had to live.

It was certified to me in that report that in one great institution on Long Island the unfortunate people confined therein were not brought out into the sunshine for the entire month of August, during 1919, because of lack of proper help and a sufficient number of attendants to take care of them. Also, the salaries of the nurses and attendants in these great State institutions were so ridiculously below what they should have been, that the State actually experienced great

difficulty in securing the help, not to speak of keeping those already in its employ. That condition was remedied to some extent, but not as far as I would like to see it remedied.

I am looking forward to the day when there will be instituted in this State a system of scientific segregation of men and women convicted of crime so that the State may do more than merely punish; so that the State may be in a position to rehabilitate them; so that they may go back and take the place in society that they lost by their transgression of the law. Under the present system, it is impossible, or well near it. Men and women are committed to institutions without regard to either their physical or mental condition, and there are a great many men today in the prisons of the State who should be in the hospitals. Many men are receiving correctional treatment who really require medical care. The feeble-minded should, of course, be segregated, because not only are they not healthy under the present conditions, but they are interfering with the State's possibility of helping the other kind.

Early in my administration I appointed a very capable commission. It is a great subject; it is one that many theorists have ideals on, but what the State needs is practical suggestions, concrete suggestions, as to how to handle them and a practical suggestion along that particular line is not one that can be evolved overnight; it requires careful and painstaking study. That commission reported too late in the year to submit the report to the Legislature for that portion of it which requires enactment into law. That portion of it which is recommendatory is now in the hands of the State Superintendent of Prisons, and as fast as conditions will permit, the substantial recommendations are being put into effect.

Before I leave this subject, I desire to speak of another department of the State that needs strengthening, and that is the Department of Health. No function of government is as sacred; no function of government means so much to the people as the preservation of the public health. A good, vigorous, healthy people is what really makes the State! Passing through the State from one end to the other, viewing its great mountains and valleys, its great industrial centers, its great farming communities, what does it all mean unless you have a good, vigorous, healthy people? This State; in fact, this country and the entire world, received a salutary lesson from the great war through which we have passed. No man who believes in Almighty God can think to himself for a minute, that we made that sacrifice unless there was to be returned to us something of substantial benefit, if it came only in the experience that we derived from it! That experience taught us in unmistakable and undeniable terms, that one-third of all the men in this State, between the ages of twenty-one and thirty-one, were physically unfit to fight. Think of what would be the appalling figures if we went to the next ten years. Therefore, it must be the burden and the duty of the State to preserve to the last degree the public health.

Early in this year Dr. Biggs, the head of the Health Department, certified to me that thirty-six separate and distinct communities in

this State were without a single doctor. There is nothing that the State can do to make men practice medicine; there is nothing that the State can do to compel a doctor to live in the country, if he finds the city offers him a more fertile field for professional activity, and the only thing, therefore, remaining for the State to do is to take hold of it itself. When the second outbreak of influenza threatened the State, an emergency appropriation was necessary to enable the Department of Health to hurry nurses to these centers in the State that were without medical attention, and I proposed to the Legislature this last winter a bill creating community health centers in the different counties of the State, either by the State itself or by subsidy from the State to the county, if the county organized it, from which there may radiate throughout such vicinity advice and suggestion, which is so necessary if the State is really going to be active in the preservation of the health of its men, women and children. Unfortunately, that bill failed of passage.

A year ago, at Syracuse, I took occasion to remark that in a democracy the people rule negatively as well as affirmatively, and sometimes we can take a certain pride not in the record of achievement, but in what we prevent, because the record shows on both sides. Working through this State all the time are the hidden, subterranean forces of reaction that not only block the wheels of progress but make what human attempt they can to go backwards. For that reason there is produced, year after year (and it is one of the great sources of labor and work for the industrial commission, for your representatives and for your Legislative Committee) scores of bills threatening with disaster the gains that have been made for laboring people in this State in the past.

We had one man in the Legislature who conceived the unique idea that because women were voting, they no longer required the protection of the law. Now it is easy to understand that man's point of vision, there is no difficulty in understanding his slant on this question. He regards all of these bills as a favor to somebody. He has looked back over the Legislative Record for twenty years and made up his mind that every bill enacted for the protection of women was done for them as a matter of favor, and that therefore now that they are able to protect themselves at the ballot-box, they no longer need the favor. That is his notion of it; losing entirely, failing to the last degree to understand that the State never legislates as a matter of favor when it passes labor laws either for men or for women — it is legislating for the benefit of the State, the preservation of the public health, the public welfare; behind every Labor measure of that sort is that idea.

What is meant by the Language of the Constitution, in the first four lines of the amendment put in there to make possible the Workmen's Compensation Act: " Nothing herein contained shall be deemed to prevent the Legislature from enacting laws for the health, comfort and safety of employes "? Nothing could be plainer than that — the clear, fixed, definite policy of the State written down in language that anybody can understand. Nothing in the Constitution, sacred

as the document may be, prohibitory as it may be to individual right; safeguarding as it may to the last degree, property right; protecting, as it must to the last degree, liberty of contract as well as liberty of person, nevertheless the policy of the State on that subject is so strong that it has blanketed out every line of that Constitution in the simple words: "Nothing herein contained shall be deemed to prevent the Legislature from enacting laws to promote the health, the safety, the comfort and the well-being of employes." That is the fixed policy of the State, and the man who introduces a bill, or even suggests that anything in the Labor Law is there as a matter of favor to any group of individuals is entirely lacking in a proper understanding of that fixed policy as enunciated in the fundamental law itself. The fact of the matter is that the shoe is on the other foot; the favor-seekers are those who seek to have certain classes eliminated from the provisions of the general laws applicable to everybody. One day of rest in seven means one day of rest in seven for everybody. It doesn't apply to any fixed or set group — and special privilege and special favor is typified to the last degree by that group that seeks an exemption not only from the statute law but from the policy of the State, set forth in the Constitution.

So that in the last session there actually passed several bills proposing certain exemptions to the one day of rest in seven and the Night Work Law for Women, both of which bills came to me, and upon the recommendation of the Industrial Commission and the legislative representative of your organization, I vetoed those exemptions. In that class of legislation I might add the proposal to repeal the Daylight Saving Act. I am told, as I travel around through the State, that every farmer in New York State is against me because of my vetoing of the Daylight Saving Act. What could be more ridiculous than that? Nothing that I can think of. There isn't a more intelligent group of men in this State than the farmers. They are all business men; they have all been brought up in the hard, cold, practical school of experience; and I believe and feel that they are not only reasonable, but they are sensible enough to know that that enactment, while not benefiting them, would have been a distinct disadvantage to the hundreds upon hundreds of thousands of workers throughout the great industrial centers of the State. I believe that they are sensible enough to know that the health of the great big communities helps them as much as they help the big communities, and that one is dependent upon the other, and that the additional hour of sunshine and fresh air for recreation given to the great masses in the industrial centers of the State in no way interferes with or injures the occupation of the farmer.

We have a problem pressing us for solution, with which I am sure you are all familiar — that is the problem of housing. Immediately after the signing of the Armistice, it was apparent that the State would have some problems confronting it, which would be difficult of solution, growing out of the unnatural condition of war to which we were subject. No one of these presses harder for

solution than the question of proper homes and proper surroundings in the big cities. The crying need of the Metropolis and the up-State cities at the present moment is better housing facilities. Nothing is so detrimental to the public health, nothing so tends to the inefficiency of the worker, as poor housing, because, after all, what is there in life that looks anything to a man like his own home? Therefore, if that home is not comfortable, if it is not healthy, if it is not sanitary, what has he really got? I am hoping that the situation can be relieved partially by State enactment, but the solution of it lies in individual effort equally as much as it does in anything that the State can do — and by that I mean houses must be built! All the State can do is to assist, so far as that practical subject can be assisted by legislation. It will remain for the people themselves, for the workers on the one hand, for the investors on the other, to come onto a common ground and say that "Upon this particular subject we have got to stand together, because the cities must be relieved from an intolerable condition growing out of a shortage of proper housing for its inhabitants."

Briefly I think that sums up about my annual message to the Federation.

While I am on the platform, let me publicly express the profound sorrow that I felt, as your Governor and as his friend, on hearing of the death of John Mitchell. I went to the Post-Graduate Hospital to see him, when he was there. I arrived there just as he was passing away. I felt that I was losing a warm personal friend, and I felt that the State was losing as faithful and as conscientious a servant as it ever had. His death was a distinct loss to the State and a distinct loss to me, as his personal friend.

I desire also, while here, to congratulate the officers and the Legislative Committee of your Federation for their earnest, careful, faithful and painstaking work at Albany. I have been a personal witness to it, because I think they will tell you that the door to my office was open to them all winter, and I know that they were busy, and I know that they were on the job.

In conclusion, let us hope that your gathering, your convention, the words of advice that come from your leaders, will stimulate those who come within your influence for the year to come to a proper understanding of our obligations to each other and of our obligations to the State.

Accepting Renomination as Governor, September 25, 1920

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE ON NOTIFICATION: I come before your meeting tonight, conscious of the fact that I am, in reality, speaking to the people of all the State.

You have come to convey to me the expression of confidence of the members of our Party in the renomination they have given me at the Primary election, for the greatest office within the gift of the people of the State.

When I stood on the platform in the public Assembly on January 1, 1919, surrounded by friends and well-wishers, thoroughly conscious of the fact that I was entering upon the duties of the great position for which I had been selected by the people, I was so full of gratitude to the State, to its people, and to the great country that gave me that opportunity that I made up my mind that my every action, my every thought, my every effort, would be put forth with an eye single to the best interests of the State of New York.

With that purpose always uppermost in my mind, I endeavored to carry out what I considered to be the measures and policies that tended to the betterment of our great State as a whole. While I entered upon the duties of my office with an absolute faith in the good intentions of the existing agencies of government, I felt that we were passing through a period that called for extraordinary measures and extraordinary effort. We had but just laid down our arms after the great war. I therefore summoned to my aid the assistance of a large body of men and women who had given of their time and their intelligence and their industry to the government during its period of stress, in order that they might assist in suggesting solutions of the problems of reconstruction that were pressing upon the State. I especially charged them with a study of measures of taxation that would bear equally upon all classes of our people. I charged them with studying the question of the production and distribution of the necessities of life, to the end that they might be obtained by our people at the lowest cost. I told them that the State required more stringent and more universal laws for the protection of health, comfort, welfare and efficiency of our people. I asked them to give their time to problems of finance and banking, as well as questions of unemployment, industrial relations, housing, the position of women in industry, education and military training.

When it became evident that the State, in order to meet its running expenses, was obliged to resort to an income tax, I especially charged them with a study of the structure of the government itself, looking to economy in administration as well as to a greater efficiency.

They started upon their great work, conscious of the fact that they had been called to duty by the greatest State in the Union. The work that they did, the facts that they collected, the suggestions that they made, the remedies that they proposed, written into one volume, have set a standard for the whole country as important and progressive as communities anywhere would care to be guided by.

I approached my relations with the Legislature in the broadest spirit of cooperation. I charged the Legislature with making better provision for the conduct of our common schools. In my first message I said that the efficiency of the schools cannot rise above the standards and qualifications for the teaching service. I strongly suggested that if this efficiency was to be maintained, school teachers must be adequately paid and fairly pensioned.

I called the attention of the State to the number of illiterate adults among our population and I had provision made for their education. I called the attention of the State to the necessity for continuation schools, and I advocated and signed bills to take care of this important function in our educational system.

As a result of my insistence that this great branch of the government be sustained in the highest degree of efficiency, I had the pleasure of signing the largest appropriations for educational purposes in the history of the State. So that there may be no doubt about it, permit me to give you an idea by the figures themselves; in 1920 I signed bills for $40,000,000, as against $11,000,000 in 1918.

I brought about a reorganization of the Public Service Commission in the First District, whereby men of extraordinary ability in the fields in which they were employed took the place of a cumbersome commission, which, because of quarrels among themselves and the ever-existing temptation among large bodies to shift responsibility, had brought the work of that department to a practical stand-still. Under the construction department of that Commission, subways opening up new avenues of travel for our people and tapping the outlying districts were put into operation during my administration. Under the regulatory commissioner, labor troubles and disputes have been settled, intelligent and business-like methods have been adopted, transit problems have been fundamentally studied, and men of peculiar fitness and ability have supplanted appointees whose only recommendation for office was their political affiliation and their ability to deliver the votes of their districts.

I vigorously urged amendments to the law so as to give to municipalities the right to purchase, own and operate their own public utilities.

I have recognized that transportation, light, heat and power are necessary services to the life, health, comfort, convenience and industry of our great cities. I have held that where those services are monopolies, they should be public monopolies, especially where they offer a service of universal use.

I strongly urged the extension of the home rule principle to the localities of the State. I have held that all of our municipalities should have a broader grant of power to dispose of matters of a purely local nature and interest.

I gave my special attention to the operation of the Barge Canal. When I entered upon my duties as Governor, I appointed Lewis Nixon, one of the foremost naval engineers in this country, as Superintendent of Public Works. Following him, I appointed Edward S. Walsh a practical canal man who was for many years Superintendent of the Western Transportation Company, the largest owner of boats operating on our State canal.

I pushed to completion the canal terminals, and it was my pleasure during the first year of my administration to open the first canal terminal in the State, located in New York City.

I urged and signed bills committing the State to the policy of

construction of grain elevators at the important terminal points, in order that the canal might enter into vigorous competition with the railroad, its old-time enemy.

I urged upon the Legislature the absolute necessity of fixing a State policy with regard to the development of our great water power resources. So strong was my argument that a bill carrying the policy of State ownership and control into effect, passed the Senate, but unfortunately met its death in the Assembly.

Instead of initiating a broad progressive policy for the development of water power, the Legislature sent to me a bill committing the State still further to the oldtime, reactionary policy of permitting the development of our natural resources by individuals for personal profit, which I promptly vetoed, declaring that while power rested in my hands, special privilege, under whatever guise it may travel, will never again be permitted to reach out its hand and grab from the people of this State the natural resources which belong to them and which should be developed for their own use and profit.

I strongly urged a water storage policy that would properly store and hold back for usage in times of summer drought, the great waters of the State that run to waste. It was my great pleasure and satisfaction during my term to appoint the first water regulating commission in this State for the storage and regulation of the waters of the Black river.

Inasmuch as I was largely instrumental in placing the Workmen's Compensation Act upon the statute-books of this State, I watched its progress with a great deal of interest. During my campaign of 1918 I charged that a Republican Legislature, by and with the assistance of a Republican Governor, cold-bloodedly and deliberately weakened that great statute, in the interest of insurance companies, when they wrote in the provision for direct settlement between the companies and the injured workers.

I appointed a Commissioner, who had formerly been counsel to the Commission itself, to investigate the entire operation of the Compensation Law and after a long and bitter struggle I convinced an unwilling and hostile Legislature that workingmen and women throughout the State were being defrauded out of millions of dollars because of that direct settlement clause in the law. As a result I had the pleasure of putting my name to a bill that wiped out an industrial injustice, recognized as such by everybody. Let those who will for their own purposes claim credit for the enactment of the Workmen's Compensation Act, the cold facts and the cold truth can never be denied. The statute was passed by a Democratic Legislature and signed by a Democratic Governor. It was weakened by a Republican Legislature and a Republican Governor. It was strengthened again by the efforts of a Democratic Governor.

It is a source of pride to have been able to increase the benefits to injured workingmen and women throughout the State and I will always be satisfied with the part that I was able to take, through my Commissioner, in curing palpable abuses in the administration of the law and wiping out the small form of petty graft that grew

up under the preceding administration, for which many indictments have been returned by a grand jury.

It was only after a long struggle that I was successful in having the law amended so that there might be comprehended within its provisions men and women suffering from occupational diseases. In the first year of my administration, the recommendation was ruthlessly cast aside. The day came, however, when I put my name to a bill, extending this benefit.

In the second year of my administration the law was strengthened so that the State may participate in the rehabilitation and re-education of injured men and women and thus continue to hold them as useful, self-respecting members of society.

During my long service in the Legislature, and since, I have consistently, in season and out of season, stood for and urged as vigorously as I possibly could, the enactment of laws to promote the health and welfare of men, women, and children engaged in industry. I urged the Minimum Wage, the Eight-Hour-Law for Women, the strengthening of our Child Labor Laws, and the passage of the acts reinforcing the Child Welfare Laws. A reactionary Republican majority in the Legislature disregarded my every suggestion along these lines and in an hour of excitement during the closing days of the Legislature, one of the leaders congratulated the members who had stood by and refused even to debate these progressive measures, upon the great service that they had rendered to the Republican Party.

Not only did I give my attention to the promotion of these measures, but I had to be constantly on the alert in order to detect bills passed through both Houses for the weakening of our labor statutes.

The bills permitting night work for women were vetoed and also the bills that would break down the One-Day-of-Rest-in-Seven. And it was my well-known emphatic attitude against such legislation that prevented the passage of a law which would have weakened every salutary statute upon our books for the protection of the health and welfare of women in industry.

As a legacy of the war, the State had confronting it problems of industrial unrest from which grew strikes and turmoil. I secured an appropriation from the Legislature for the necessary clerical and traveling expenses of an unpaid commission, which has been highly successful in settling and averting industrial disputes.

Early in my administration I was impressed with the necessity of making some provision by the State for the care of the feeble-minded. I secured the services of one of the most eminent physicians in this country, who during the war, gave his great talents and ability to the uniformed forces of the government for the education and care of mental deficiency. It was my great pleasure and satisfaction to lay the cornerstone of the new group of buildings for the care of mental defectives at Letchworth Village in Rockland county. I look forward to its completion, when it will stand out as the greatest colony in all the world for the care and education of mental defectives.

My attention has been given to the improvement of the care and treatment of the insane. I personally broke ground for the construction of the Marcy Hospital outside of the city of Utica and have lent every possible effort toward proper care and treatment of these unfortunate wards of the State.

To prison reform I have given a very large part of my time and thought. Early in my administration I appointed a Prison Survey Commission. They have just rendered to me an exhaustive report much of which can fortunately be put into immediate practical operation and I am cooperating with the Prison Department to the end that it be made promptly effective. Some of the new program requires legislation and I am confident that we are setting forward the day when the prisons of this State will be brought into progressive step with the rest of our great institutions and will be the recognized standard of prison administration for the entire country. No previous administration has ever been free from prison scandal. I have given this department careful and personal attention, supplemented by the labor and industry of a man who as Superintendent of Prisons is well acquainted with the problem. I have brought to the service of the State for the wardenships of the different prisons the very best personnel the State affords.

I have sought for and recommended amendments to the Corrupt Practices Act that would require the publication of election contributions before election, in order that the people might know what, if any, oblgations a candidate has incurred by virtue of large contributions made to his campaign fund. I have proceeded on the theory that if public officials are to discharge their duties fearlessly and without favor, they should be under no obligations except those they owe to all the people of the State.

The State Militia has been lifted out of the realm of partisan politics in which it was when I went into office and put under an able and fearless administrator, a man who has worked his way up through it from the lowest rank and saw service with it before the Hindenburg line.

I succeeded in dissipating the popular notion that men from the city have neither knowledge nor interest in agricultural matters. Just as I stood for progressive laws in the interest of agriculture during my long legislative career, I continued that activity in the Executive Chamber. As a city man, born and bred, I make the statement, without fear of contradiction that I am thoroughly alive to what is necessary for the proper promotion of agriculture and I further know what is standing in its way in this State.

I appointed a Commissioner who made a careful and thorough study of the entire agricultural policy of the State, and in an exhaustive report pointed out the weakness of our present system. In my attempt to remedy this, I had the cooperation of the Council of Farms and Markets itself, and the leaders of agriculture throughout the State. I met defeat in my proposals only because the legislative leaders were more concerned with the patronage afforded by this great department, than with the good it could accomplish for the State itself.

Cooperation between producer and consumer is highly desirable. I have done everything I possibly could to promote it. But it seems to me almost incredible that the great department charged with bringing that about, with the power of the State behind it and adequate laws on the statute books, seems unable to function, because it is enmeshed hand and foot in petty, partisan politics that render it ineffective.

During my administration appointments and promotions in the civil service of the State have been made in due accord with the letter and spirit of the law. I strengthened the Civil Service Law by providing for the reappointment of men laid off, in the order of their original entry into the service of the State — a distinct and forward move in the recognition of the principle of merit. I removed from the rules and regulations of the Commission all discriminations against women. I made faithfulness, capacity and diligence the definite weights in all promotion examinations, and have done everything I possibly could to build up, for the benefit of the taxpayers of the State, a body of employees who will transact the particular business of the State entrusted to them with constantly increasing interest, accuracy and skill.

During my administration I gave my attention to the problems confronting the State with respect to public health. In the latter part of my first year I found that thirty-six communities in this State were entirely without medical service of any kind. I urged a bill to provide subsidies by the State to local communities which would bring about a co-ordination of private and public health facilities, so that every community in the State could command the services of a full-time health officer and the necessary public health nurses.

I desired to provide for the health of all classes of our population — for the expectant mother, the infant, the little child, the young adult, and the older men and women of our population. Without any reason that I was ever able to undertsand, this progressive measure met with defeat at the hands of the majority in the Legislature; and, worse than that, the present activities of the Department of Health were curtailed by a lack of appropriation. I hope to see the day when, supported by a vigorous and forceful public opinion, I will be able to show that the question of the public health must never become one of political expediency.

When I came into office I found a broken down Highway Department. I found the State struggling to maintain the roads by an unbusinesslike method of dealing with contractors. The people were tolerant during the war period and believed that public work was retarded by the necessities of war. I brought to the study of the problem as Commissioner of Highways the best man that I could find in the State of New York, just returned from France, where as a member of the Engineer Corps he was charged with the construction and the laying out of the roads that carried the supplies to the front line. He took up the work of the Highway Department in a vigorous and foreful manner. He brought to his assistance the

best engineers available in the State, and it is the fond hope of good citizens throughout the State, without regard to political affiliations, that the old day of political highway-building has passed. No longer will roads be built as a matter of favor to individuals or communities, but, under his able guidance, the State will boast of a connected, coordinated system of State highways that will be a model for every State in the Union.

At the last regular session of the Legislature, I forwarded a report from the Reconstruction Commission dealing with every phase of the housing situation as it confronted the State at that time. The report contained not only the details of an exhaustive study of the subject, but it made definite and concrete proposals looking to their remedy. The Legislature satisfied itself by the passage of several laws which tended to relieve temporarily the political pressure upon themselves, and left the question of its future solution entirely without action. Had they given the time, the thought and the attention that this great subject deserved at the regular session, the extraordinary session now in progress would not have been necessary. One-half of the time, one-quarter of the energy, and a small part of the money, used in depriving of their seats in that body men regularly and properly elected to the Legislature, if devoted to the honest, the faithful and the conscientious study of these great problems to which I asked attention, might have made a great contribution to the comfort, the health and the welfare of the State.

The Republican platform contains a plank calling for the political equality of women, which stands as a hollow mockery of their entire performance.

I called the Legislature in extraordinary session for the ratification of the Amendment to the Federal Constitution enfranchising women, in order that, by suggestion from a Democratic Governor of the great State of New York — first in wealth and first in power in the Nation — the way may be blazed for universal suffrage. I recommended an amendment to the Election Law providing for a sufficient number of members of the State Committees in both parties to guarantee women equal representation with men. That recommendation was ignored.

When the Republican majority in the Legislature last winter had an opportunity to elect women to the Board of Regents, that they might have something to say in the particular field for which they are specially qualified — the education of our youth — they took advantage of the vacancies to reward two men, political leaders in their party.

In marked contrast to their attitude, I have appointed women to important executive positions in my cabinet, and I am happy to congratulate the enrolled voters of our Party for having nominated a woman for an important State office.

No problem which has confronted the State in the last two years has received any more earnest consideration at my hands than did the subject of the State finances. In exhaustive reports at the close of each session, I made full, complete and detailed explanation

of every appropriation bill. The costs of government, like all other costs of operation, have increased enormously; but I feel satisfied that this great subject received my care and attention. Without crippling the State, without interfering with or impairing to the slightest degree any necessary activity, I saved the State in my two years of office close to $7,000,000 which I struck from appropriation bills. And in my different reports I challenged anyone to show that by so doing I interfered with or retarded in the slightest degree any necessary activity of the State. Up to and including this hour, no answer has ever been made by anyone to that challenge.

During my administration special appropriations to favored localities were done away with. I have insisted that the public dollar be expended only for the public good and that improvements of State-wide importance, contributing to the benefit of all the people of the State, be the ones considered.

The public purse has been protected by the large number of vetoes placed upon claim bills, seeking to legalize claims against the State, which could only have been passed by the Legislature as a matter of political favor.

Since I have been in public life, I have listened to the constant promises on the part of candidates to retrench in public expenditure. Through the efforts of my Reconstruction Commission, I was able, before all the people of this State, to put my finger upon the greatest source of waste that the State today can complain of — its loose, irresponsible method of financing,— and I suggested an executive budget, so that the responsibility for the finances of the State would be upon the Governor himself, reserving to the Legislature such powers as are consistent with the dignity of that branch of the government. The National platforms of both parties, in the interest of economy and efficiency, have declared for a national executive budget; but we find the reactionary forces in control of the Republican Party in this State presenting to the people the ridiculous situation of declaring in the State platform against an executive budget for the State itself. They have taken the position that it is a good thing for the country, in the interest of economy, but a bad thing for the State. They present the inconsistent spectacle of a candidate declaring in his speech of acceptance in favor of an executive budget, but suggesting that it be delayed.

Responsible more than any other one thing for the high cost of the government, is the present old-fashioned, cumbersome, disjointed and disorganized form of the State government itself. With 187 Boards, Commissions, Departments and Bureaus, unrelated, performing overlapping functions, all manned with inspectors, clerks, secretaries and stenographers, the business of the State is so jumbled that nobody not intimately related to it can possibly have any understanding of it.

My attitude toward reorganization of the State government has been misrepresented by the statement that it is an attempt to give the Governor greater power. Even if that were true, that greater power is for the purpose of coordinating the various activities of the

State and preventing the enormous waste of public money in the present organization.

Behind this proposal were lined up the leading men and women of the State, without regard to political affiliation. The Chairman of the Citizens Committee that urged it upon the Legislature was the Republican former Attorney-General of the United States. Indeed, I state only what the public record contains, when I say that the present Republican candidate for Governor was himself a member of the executive committee that urged this plan upon the Legislature. While politics stirred up a hostility on the part of the Legislature to this plan, I appealed in person to the people of the State by my appearance before large bodies in all of its principal cities in the closing days of the Legislature, and forced both the Senate and the Assembly to adopt a part of this program.

The day will come when an enlightened public opinion will put the reactionaries where they belong and compel them to stand up for progressive, forward-looking measures, that can have for their purpose nothing else but the promotion of the public welfare.

I enter this campaign wth a definite and progressive program. I have worked for it with all the ability, all the strength, all the force that I have been able to bring to my command. The Republican candidate for governor summed up the Republican attitude in a few words at the Republican Club when he practically declared that all issues must be subordinated to Republican victory.

This I deny, and I hold, and vigorously so, that the solution of the great problems that confront the people of this State is above the victory of any political party. National issues may have their important place, but after they are solved we have our own problems right at home in our own State. We live here. We do business here. We work here and we must live under our own laws. For that part of my program which remains unaccomplished, the blame must fall upon the Republican majority in the Legislature for their stubborn, persistent and willful attitude of opposition. The men to whom Judge Miller must look for assistance are the men who wrote his platform, and are the same men who stood in the way of this progressive legislation. They are the men he must cooperate with, using his own language, and if they have been willing, as they undoubtedly have, to sacrifice the best interests of the State to partisan advantage in my administration, what reason has he to expect that they will be any different under him?

The Legislature is supposed to represent the popular demand. I have been able to get from it popular measures only where I have been able to get public opinion to force itself into its deliberations.

We are not entering this campaign on the defensive. We have nothing to defend. It is our portion to boast proudly of actual achievement. It is for the majority party in the Legislature, the men responsible for the platform and for the legislative performances of the last year, to make what excuses they can. And that record is such that even a lawyer of Judge Miller's ability can make no public defense of it.

I am prepared to reverse the old order of political campaigning, because I enter the campaign with a clear-cut, progressive record, and I challenge my opponents to find fault with it. I declare that the explaining for the shortcomings of the last year and a half will rest entirely with the men who have opposed my measures and my administration.

I accept this nomination. I accept all the responsibility that comes with it. You have nominated for the high offices to be filled by the vote of the people candidates that show fitness and special ability, with whom I am proud to be associated.

If I am re-elected I will continue to maintain the great oath of my office and to uphold the Constitution, and to hold sacred the service of the interests of the people of the State.

At Mass Meeting, Schenectady, October 11, 1920

Judge Miller's speech at Patchogue, Long Island, delivered on October seventh, goes further than anything else in the world could go to indicate his entire lack of knowledge of the history of labor and welfare legislation in our State. While it is true that the Democratic party was in control but a very short time in the past twenty years, it is also true that all of the social welfare legislation that means substantial gains for humanity was enacted in the short period of Democratic control. This is a question about which there should be little dispute, because it is easily proven by the records. The abolition of night work for women, the abolition of child labor in the canneries, the abolition of women working in foundries, the bills for proper facilities for women in factories, the bills for fireproofing and safe-guarding life in factories, the bills requiring the one day of rest in seven — in fact, I might say the whole Factory Code of this State was rewritten by a Democratic legislature and a Democratic governor.

Judge Miller will not dispute that the Workmen's Compensation Act was passed by a Democratic legislature and signed by a Democratic governor. In fact, our history shows that the succeeding Republican legislature and Republican governor did everything they possibly could to weaken the beneficent statutes passed in the interest of men, women and children by a Democratic legislature. For instance, does Judge Miller dispute the fact that a Republican legislature and a Republican governor weakened the Workmen's Compensation Act by putting into it the direct settlement clause between insurance companies and injured workmen and women? If he does, let him read my message to a Republican leegislature, forced under the spur of public opinion, after a public disclosure of the facts, to take from the statute the direct settlement clause which they, themselves had written in. Judge Miller said, "Both parties have stood for the promotion of social welfare." Judge Miller cannot mean that, because every man, woman and child in the State knows that in the last two years the Republican assembly has stood squarely against what have come to be known all over the State as

the Welfare bills. Indeed, the rank and file of the Republican party in the Assembly were congratulated by the leaders at the close of one session for standing by "Republican principles," in the defeat of these bills. In all my experience in the State I have failed to find out that it is a "Republican principle" to destroy legislation intended to promote the health, comfort and welfare of women and children engaged in industry. It has been rather the work of the reactionary group which wrote the platform upon which Judge Miller must stand, and which platform he seems unwilling to defend or even to talk about.

Judge Miller says: "I am for *real* social welfare." What is "*real* social welfare?" What proposal has Judge Miller to offer to the people of this State which will promote the welfare of men, women and children engaged in factory occupations? He says he is not for what happens to be labeled social welfare. What proposal have I put forth that contained only the label and is not of essential benefit? Judge Miller says that he has to study the effect of these measures. I have been studying them for ten years. Part of the study that I gave to them was under the direction of the State itself as a member of a State Commission. Judge Miller says, "I am against paternalistic legislation." Judge Miller naturally views this question of social legislation from the standpoint of the counsel and director of a great corporation. He cannot help that. His very line of business and his environment for a great many years naturally put the question of social welfare before him from a corporation standpoint.

The sharp difference of opinion which he speaks about between his views and mine is that he approaches this from the standpoint of favor to a given class. I approach it from the standpoint of a direct benefit to the State in promoting the health and well-being of the future mothers of the race. I am endeavoring to have the State learn a lesson from the draft records, which showed that one-third of the men of the State between the ages of twenty-one and thirty-one were physically unfit to fight. Judge Miller would have the State lose the benefits that should flow to it from that great lesson.

Does Judge Miller desire to defend the action of the Assembly in refusing even to discuss the measure providing for the creation of Wage Boards and to fix a living wage for women and children in industry? Does Judge Miller believe that justice and a square deal have been given to every one when by the force of party leadership the great public forum in Albany is denied the privilege of debating so important a question comprehended in a bill introduced by Colonel Theodore Roosevelt himself? Judge Miller will have a great deal of difficulty in making any one believe that his sympathies are with the under dog, as he himself says, when he refers to legislation making the eight-hour day for women and children in factories and legislation fixing a wage sufficient to keep women and children in bodily health and comfort as paternalistic legislation.

The Judge says, "The State should direct its efforts to the prevention of sickness." The Judge must know that I tried to have the State do that. The Judge must know that the Health Commissioner of this State certified to me that thirty-six communities in

this State were without doctors and nurses. He must also know that I conveyed this information to the Legislature, and with it sent a bill making a constructive suggestion for a State subsidy to those communities in order that they might erect health centers to be manned at all times by at least one doctor and a sufficient number of nurses to attend to the health needs of the particular locality. He must also know that the Legislature, under the direction of the men who wrote the platform upon which he must run, refused to pass that legislation and further cut from the appropriations for the Department of Health for this fiscal year over $160,000 which the Commissioner of Public Health and the Governor both certified was necessary for the proper functioning of that great department.

Judge Miller is without the facts, so far as the discussion in Albany of the minimum wage bill is concerned. Let him have in mind that at no time during my administration was there even any public debate on the floor of the Assembly on this important bill. The Massachusetts Minimum Wage Law, which the Judge speaks about, was enacted before the United States Supreme Court had sustained this kind of legislation under the due-process-of-law clause, and the statute was not mandatory but permissive. I think he will agree with me that if that legislation is to be effective it must be mandatory, and the only result that could flow from the proposal to give this State the Massachusetts form would be to attempt to compromise with the principle. It is either right or wrong. If it is right it ought to be enforced with all the power which the State can put behind it. If it is wrong, it should not be adopted at all. What is the use of trying to carry water on both shoulders? What is the use of trying to blow hot and cold at the same time? Down deep in his heart the Judge knows that this cannot be done; but I can understand why he must attempt it. He feels obliged to avoid discussion of the Republican State platform. He knows that it is loaded with dynamite and that he dare not touch it because that platform is a contradiction of every attitude he has taken on the stump.

At Utica, Tuesday, October 12, 1920

So far as the Governor of this State is concerned, he could sit back in his chair and pay no attention whatever to the question of agriculture. If he did so it could never be said that he was neglecting his duties, because all consideration of agricultural questions, aside from appropriations, has been taken out of the Governor's hands as a matter of State policy by the creation of the Council of Farms and Markets. The only reason I speak about agriculture and agricultural matters is because I was not and I am not now satisfied with the Department of Agriculture and the Department of Farms and Markets as they are at present attempting to function in this State.

I am a great believer in placing the responsiblity on somebody. I like to see the man I can lay my hands on and say "What about it?"

If you are to have a successful, businesslike, economical government in this State you have got to be in a position so you can place your hand on somebody and say "What are you doing?" You cannot put it on boards and commissions elected by the Legislature or appointed by some power far removed from the people themselves.

How many men and women in this State know who the Council of Farms and Markets are? How many people know how they come into office, or what their responsibility is, or what their term of office is? Very few. Still here we have this body with a great, broad grant of power written into this statute which reads perfectly but doesn't operate.

There is contention within the bureau — politics in it — no question about it. I made that statement two years ago throughout this State and I repeat it — bureaus created and placed into the Department of Agriculture and Farms and Markets by law and men put at their head, and they never had a moment's training in agricultural matters. These men were admittedly appointed for the mending of political fences in certain sections of the State.

In the spring of 1919 I brought into the Executive Mansion at Albany all the leading agriculturists of the State, including Dean Mann, of Cornell, the head of the Experimental Station at Geneva, and all the men I could find throughout the State interested in agriculture. We talked it out into the small hours of the morning, and I laid before them a program and they agreed with me that it ought to be put in operation in the interest of economy and the greater efficiency of that Department. Several nights after that I attended a meeting of the Council of Farms and Markets itself in Agricultural Hall in Albany, and I laid my program before them and they agreed with me that it ought to be put in operation.

I sent a message to the Legislature and a bill, and three days after that the Chairman of the Council of Farms and Markets came into the Executive Chamber and told me that we could forget everything about any reorganization of the Department of Agriculture — that the leaders had conferred and they had decided not to touch it. The leaders conferred — with whom? With the agricultural interests? Not at all. With the Council of Farms and Markets? Not at all. With men interested in the agricultural schools of the State? Not at all. They consulted among themselves and the only subject before the house was whether or not it was politically wise to lose the patronage.

The welfare of the farmer and the interest of the Department was ignored. Every move made for its greater efficiency was subordinated to the political consideration of keeping hold of the patronage. And there it stands, without a responsible head. With the minutes of the Council having read into them the ordinary, small transactions of transferring office boys and clerks and stenographers from one bureau to another and these great grants of power not being carried into effect, and on top of that $4,900,000 appropriated by the State in one year for the promotion of agriculture and of farming and of marketing. Now, just as I assured the represen-

tatives of those great organizations, just as I assured the Council of Farms and Markets, I can assure the people in this audience and in all this part of the State that I have no other interest in the Department of Agriculture except to make it a better agency of the State government and to do more through it than the State is able to do today for the promotion of agriculture.

Message to the Association of Nurses of New York State, meeting in Albany, October 27, 1920

To the members of the nursing profession throughout the State, and especially to those attending this meeting of their State Association, I extend most hearty greeting and cordial welcome to the Capital City of the State, and express genuine regret that because of pressing prior engagements I am unable to be present in person to tell you face to face of my appreciation of, and sympathy with you and the great humanitarian work which falls to your lot to perform.

Through all the years from my boyhood to the present time, I have had deep respect for the patient, sympathetic nurse who watches at the bedside in the private home or in the hospital, closely observant of every symptom for better or worse that the patient manifests, and making accurate record at frequent intervals of temperature and of pulse, and carefully noting changing aspects of the case that she may acquaint the attendant physician with all the facts necessary for his intelligent treatment.

Especially can I confidently testify to the great work done by the members of your profession through the Henry Street Settlement in the Great City, and particularly that part of it in which I have so long lived — where thousands of families have received as painstaking succor and relief as they would have received had they been more favored with this world's riches.

It is perhaps needless for me to tell you of the indebtedness of those who are most dear to me, and of myself, to those faithful members of your profession who have kept vigil in my own home. And then, too, I am not unmindful of the distinguished service rendered by your profession in the recent World War, and the quick-and-ready response of thousands of women who were ready to devote their lives to the care of our boys in the camps and overseas. No greater evidence of the devotion of your profession to this service was or will be needed than the wildly enthusiastic applause always accorded to the members of your profession whenever they appear in public where there is an assembly of the gallant men who enlisted in service and placed their lives on the altar, ready to sacrifice them for their country's honor and to make the world safe for democracy. And I want to assure you and all the members of the profession that it was a real pleasure and a great privilege for me last spring, in my official capacity as Governor, to sign the Nurse Practice Act, which, in my judgment, places the profession of nursing upon a sure footing for all the years to come. And it

was an added pleasure that I should be privileged to do this on the one hundredth anniversary of the birth of your patron saint — Florence Nightingale.

The nurses of New York State have made a memorable record of service, and in all sincerity I will say to you as I before have said to others — that this State and this country, in common with all others, can never repay the debt of gratitude that civilization owes to your profession, and especially to "the Rose of No Man's Land"— our own Red Cross Nurse.

Speech of Governor Alfred E. Smith at Governors' Conference in Harrisburg, Pa., December 2, 1920 — Read by Hon. Edward F. Boyle.

Symptomatic of the fundamental housing problem and so marked as at last to have attracted the attention of the whole world is the excessive rental cost of housing in centres of population, which has been driven to the point of profiteering. In approaching the problem it is easiest to believe that a cure of profiteering in rentals will bring about readjustment of the housing problem, and that, therefore, homes will immediately be found for everybody and at rentals which they can afford to pay. This is such a common error that it is not at all extraordinary that in the early stages even the Federal government approached the question from this angle by attempting to enact rent laws in the District of Columbia, expecting that these would put a sufficient number of housing accommodations in Washington at the disposal of a greatly increased population.

The situation in New York City is of vital interest to the whole country because what is happening and what has happened in the metropolis on a large scale is taking place in a lesser degree, and more slowly, in every city or town throughout the country. Nowhere is private initiative filling the demand for houses. In New York, because of the scale of the problem, it is easier than elsewhere to measure the inadequacy of the effort to meet the present situation by our former method of supplying homes. It is apparent and will become more and more apparent in the other cities of the country that government action alone can prevent serious trouble.

At the beginning of my term of office it was apparent to me that housing would claim a great part of the attention of the public. The shortage due to lack of building during the war was just becoming manifest and was evidenced by the increase of rentals. Immediately upon assuming office, I appointed a Reconstruction Commission, composed of men and women who were experts in their various lines and to them I entrusted the study of the general policies of readjustment and reorganization that I believed were necessary to guide the State during the period of reconstruction. I charged them especially with making a careful study of the housing conditions of the State. I asked them to make every endeavor to secure the fullest information, and after carefully studying it to recommend either legislative or executive action. I stated that I was particularly

anxious that the Commission "find a solution of our housing difficulties that looks to the future and that a program may be initiated that will make for the permanent welfare of the State."

Housing being a social problem, whose pressure is felt by rich and poor alike, there proved to be great readiness to seek remedies, and after the Reconstruction Commission had appointed a Housing Committee and they were well on their way in the study of the existing conditions, the Legislature, feeling the pressure, appointed a Joint Legislative Committee on Housing, which also was charged with the duty of studying high rentals and housing conditions.

The Committee on Housing of the Reconstruction Commission immediately associated with itself two advisory committees, one for New York City and one to consider upstate problems. The members of these advisory committees were chosen from the various fields of activity having to do with the creation of housing facilities. They were chosen because they represented finance, building, architecture, city planning, tax experts, building loan associations, social organizations and others having a community interest in the problem.

Thoroughly organized with these advisory committees, the Commission undertook an immediate examination of all phases of the situation. They made a study of land values in relation to housing, co-operative housing, municipal housing enterprises, taxes and assessments, money (which they considered from the point of view of its source of supply), building and loan associations and other types of loaning institutions, city planning, costs of construction, large scale planning, building loans, and the effect of restrictive legislation and management.

The Committee made a thorough survey of existing conditions; questionnaires were sent out to cities and towns throughout the State. In New York City where conditions were most acute, a detailed house-to-house survey was made of thirty square blocks containing a population of about 50,000 persons. This block survey was intended to compare rental increases with actual living conditions, and also to determine whether the worst type of building construction was capable of salvaging, since new construction was most costly. This survey necessarily dealt also with the social implications of housing.

During the summer of 1919 it was necessary for me to call a special session of the Legislature in order to ratify the suffrage amendment, and since no action looking toward a remedy for the housing situation had been taken at the regular session of the Legislature in that year, and it being apparent that the crux of the situation lay in the acute shortage of houses, a group of those interested in the solution of the question suggested the enactment of four statutes that were presumably capable of immediately remedying the housing situation as it existed at that time. The first of these liberalized the Savings Bank Law and empowered savings banks to loan money on buildings in the course of construction. The second and third related to proceedings against tenants, who were holding over beyond the period of termination. The fourth made a change in

the Tenement House Law and approved the alteration of a certain class of houses. We were assured that this would make possible accommodations for 20,000 families. This particular change in the laws brought no relief as no operations were undertaken under its provisions.

In the meanwhile the housing shortage which was most acute in the largest centres of population began to spread to the smaller cities of the State and attempts were made by some of the communities to solve them by means of the organization of housing corporations made up of the business men and manufacturers in the town, either for the purpose of making loans to workers desiring to build houses or for the purpose of constructing groups of houses to be sold to workers.

At the suggestion of the Reconstruction Commission, the Joint Legislative Committee devoted some time and study to the consideration of the effect of the high costs of building materials on construction and the reasons for these high costs.

In March, 1920, the Reconstruction Commission filed its report on housing with me.

In the meantime the Joint Legislative Committee on Housing had conducted its examination along the lines of increased rentals, and their recommendations for legislation confined themselves to applying remedies to these conditions. They acted on the assumption that an emergency existed and applied their legislative remedies with that idea in mind.

The Reconstruction Commission had pointed out in its report, and by this time it had become apparent to all that legislation does not build houses and that the fundamental cause of the whole difficulty was that there were not enough houses for the population. Figures showed that there were actually less houses in New York than in the year previous, although a larger number of tenements that had hitherto been unused because of wretched conditions were put to use, and although the population continued to increase in normal ratio. The Reconstruction Commission viewed the remedies for the situation entirely from the angle of creating a permanent housing policy for the State, but the Reconstruction Commission also called attention to the fact that without fundamental changes in our methods of supplying houses it would be impossible to secure a sufficient supply of homes for the workers of the State. They stated in their report —" It is economically unprofitable now, it has been economically impossible for many years to provide a large part of the population of this State with decent homes according to American standards of living. Decent homes and wholesome environments in which to bring up children cost more than most workers can afford. It is impossible to supply the population of this State with decent homes, unless the cost of living be reduced."

As a result of their study, a majority of the members of the Commission made the following recommendations:

1. That a law be enacted requiring the appointment of local housing boards in communities having a population over 10,000, the

members of such boards preferably to serve without pay, and for the appointment of a central State housing agency for co-ordinating local effort. The function of the central and local boards shall be —

Aiding each locality in meeting the immedate pressing need for sufficient homes.

Collection and distribution of information relating to housing and community planning.

Assisting in the preparation of housing laws, zoning ordinances, State-wide regulatory or restrictive housing and building codes, etc.

Study of the means of lowering the cost of housing through better planning in the construction of homes and through their proper location.

Development of a means for using State credits to apply to housing at low rates of interest without loss to the State. To set the standards for the use of such credits and to fix limitations upon the return of money borrowed from the State for housing purposes. To assist in the most practical manner possible in the erection of adequate homes in wholesome environments for workers at a rental cost dependent on the actual cost of land and building.

2. The enactment of a constitutional amendment permitting extension of State credit on a large scale and at low rates to aid in the construction of moderate-priced homes. This does not mean that the State itself shall build such homes. It does not mean that the State is to own or operate houses. It does not mean that the State is to offer subsidy for the construction of homes. It *does* mean that the State shall be enabled to loan money on its credit to limited dividend corporations or to individuals or to organizations, to build houses of such standards as to light and air as the State or community may determine to be desirable, the rentals of such houses to be controlled.

There are many methods by which State credit might be made available. It should be one of the first duties of the Housing Bureau and the local boards to make a thorough study of this matter.

3. Passage of an enabling act permitting cities to acquire and hold, or let adjoining vacant lands, and if necessary to carry on housing. This legislation should be such as to permit conservation of the increment of land values for the benefit of the community creating it.

The Legislature passed none of these constructive recommendations, gave them no study whatever and permitted the situation to go on, developing an even more acute crisis. The Joint Legislative Committee was continued, and both that committee and the Reconstruction Commisson made further studies of the situaton.

May first and October first are the two great periods in the year in New York when leases terminate. The May first period was partially tided over by the legislation passed at the 1920 session of the Legislature on recommendation of the Joint Legislative Committee, but it was soon apparent that this was utterly insufficient to meet the crisis of the principal moving day, which was October first, and there were pending in the municipal courts of New York City

over 100,000 dispossess cases that would have to be argued on or about that date.

To meet this threatened emergency, I called the Legislature in extraordinary session on September 20, 1920, and in my message to the Legislature at that time I stated that the experience of several months had revealed to us the weaknesses of the temporary expedients and had made more acute the necessity for encouragement of building operations so far as it could be done by law, and made more apparent the necessity for the creation of State agencies for further use and I, therefore, asked the Legislature to deal with three phases of the subject: *First,* the strengthening of the temporary statutes enacted at the regular session to meet the emergency. *Second,* to attempt to stimulate building construction. *Third,* to establish at once agencies in the State that would provide a permanent and constantly developing housing policy.

I had in mind the distinct belief that no restrictive legislation, properly drafted, would have any disastrous effect on honest landlords. It has been my experience that only those who seek to live outside the moral law have any great fear of legislation. A State has a conscience and will regulate fairly.

In our State landlords have been given the special privilege of summary proceedings in order to regain immediate possession of their premises. This privilege does not belong to any landlord as a matter of inherent right. Inasmuch as the evidence laid before us indicated that summary proceedings were being grievously abused, in a crisis of this kind, the State does only its duty when it withdraws or modifies them.

There was an abundance of evidence that undesirability or failure to pay rent was not in the majority of instances the basis of the application for the writ of summary removal, but on the other hand, it was the operation of the profiteer who would remove the desirable and paying tenant in order to create a vacancy which might thereafter be offered to the highest bidder. As a result of this, families have been shifted from place to place without rhyme or reason, and the unscrupulous and selfish have profited immensely by it. October first was to have been the height of the harvest.

I believed the emergency to be such that I recommended that the strong arm of the State should reach through its courts and protect the people at least until the crisis should have passed or the situation be relieved. I suggested that the courts be empowered where it is evident that the dispossess is requested for the purpose of unreasonable rent-raising, to suspend the dispossess remedy for an adequate period.

For the stimulation of building construction, I suggested the amendment of our taxation laws. While I do not, as a matter of policy, favor tax exemptions, the emergency was such that it appeared to be advisable to consider the enactment of a law exempting from taxation for a period of years, with proper restrictions, buildings used for dwelling purposes whose construction would be undertaken within such a period as would assure an immediate

increase in housing accommodations. I believed that this would aid in putting new construction on a fair competitive basis with buildings erected before the war and would assist in creating a market for new buildings.

Loaning institutions apparently have not kept in step with the times and have spent their energy in securing investments bringing a larger return than real estate mortgages. For instance, our savings banks and mutual insurance companies are organized not for profit but as depositaries for the people's money, and it would be entirely in keeping with their purpose if their funds were made available to a greater extent to meet the people's needs by investing a larger portion of them in bond and mortgage.

In 1914 there was created by statute a State Land Bank having for its purpose assistance to building and loan associations. Inasmuch as the proceeds from the sale of the bonds of the Land Bank are used for the building of homes, it seemed advisable that the State should do everything possible to make the bonds a more desirable purchase. We had already exempted them from the provisions of the State income tax, but the abnormal yield from other securities is such as to make them an undesirable investment. I suggested that it might be well that the State use its moneys or a portion thereof now in the various sinking funds of the State to purchase these bonds, and that it might also enable municipalities of the State to invest in such bonds.

These recommendations were made in the hope that the legislation which they suggested would bring voluntary capital into the building market. I called the attention of the Legislature to the fact that if the present condition were not thus relieved and the health of the community continued to be menaced, then we would have a grave public emergency to meet such as would confront us in a time of epidemic or of catastrophe. I suggested that the police power of the State, clothed with the proper safeguards, should be extended to municipalities in order that they might be enabled to build or lend their credit to the building of houses.

I stated that undoubtedly the State, as well as the municipalities, should be in a position to extend its credit either through the medium of the State Land Bank or a specially created agency.

Again I called the attention of the Legislature to the fact that it had been brought to my attention that the high cost of building materials was artifically stimulated, and I suggested that the Joint Legislative Committee be given increased powers to carry on further investigation of this situation.

In urging a housing policy for the State I called the attention of the Legislature again to the fact that building houses for some groups in the population has become an unprofitable business. Hence, these groups have for a generation lived in the left-over housing, or in the cheapest and most poorly planned type of home that a grudging and unrealizing community would provide. As a result of the present emergency, a still larger portion of our population is being forced back into houses of a standard below that which we have accepted as decent American homes.

I pointed out to the Legislature that except for the report of the Reconstruction Commission and the findings of the Joint Legislative Committee, we have been aided by no State agency in the consideration of this very important problem. In the enactment of labor laws, we are guided by the Industrial Commission. In the enactment of health measures, by the State Health Departments. In matters affecting the conservation of our natural resources, by the Conservation Commission. The Banking Department, the Insurance Department, and other State agencies all deal with special subjects that need executive or legislative action. But in housing, dealing with the elementary need of shelter and establishing homes, there is no State or local agency to aid the legislative and executive branches of the government either in meeting an emergency, or what is more important, in helping to establish a permanent housing policy for the State. Such a policy does not necessarily mean the building of houses by the State, but it does mean the establishment of housing standards and of local development that should underlie any future growth of the cities of a State.

To this end I recommended for New York State a law which will create in each community having a population of over ten thousand a local housing board, which shall be charged with the duty of finding a solution for the local housing situation. These local boards should be required to prepare within a period to be determined by the local authorities a plan for the future development of the city and should consider local housing ordinances. A State agency should be created and the local boards should be required to report to it at stated intervals so that there may be available at all times a body of information applicable to this subject.

The State agency, on the other hand, should first of all be directed to report to the next Legislature on a method for the development of a system of State credits for housing purposes. Through the State agency information should be made available to local communities that should aid them in their housing program.

Even at the extraordinary session, the Legislature enacted only emergency relief measures. In acting on my recommendations that something be done to stimulate building construction, a permissive statute was passed, allowing local communities to exempt from taxation new construction. The net result of this has been that only one community — New York City — has made any attempt to pass a tax exemption ordinance and although two months have passed since the legislation was enacted no act is as yet on the statute books, and new construction is as far as ever from being undertaken.

The Joint Legislative Committee with its increased powers has gone forward with its investigation of the high cost of building materials and an examination of the unlawful conditions in the industry with the sensational results which are common knowledge to readers of the metropolitan dailies.

It seems however that proper housing is recognized as a social and health necessity by other countries. The Canadian Government is lending twenty-five million dollars to the provinces for the

building of homes. In England, where housing has become a function of the Ministry of Health, not only is the government making colossal loans to local authorities and to public service corporations (limited dividend companies)—but it is offering subsidies of as much as one-quarter the cost of houses to make up for the loss involved in building at a time of excessive costs—Britain knows that its welfare depends on having sufficient decent homes — and it means to have them no matter what they cost. England is not only planning new homes — it is planning new towns. France also is doing constructive work. Paris has bought a large tract of ground on the outskirts of the city on which is to be built a garden suburb. The policy of Australia that has been in operation for some years, of stimulating house building and ownership by loans on easy and long terms, has been greatly extended to aid returning soldiers. And so we find in every civilized country the government has accepted its responsibility even in a greater degree than before the war of solving the most difficult problem that confronts its citizens, that of finding a home. In America our housing laws have been negative laws — restrictive laws. But in the light of the present emergency we see that the State here, as elsewhere, must offer a helping hand — must find a constructive solution if we are to have homes.

It is time that this country made adequate provision to meet the problem. I do not believe that federal legislation alone would meet the situation. The whole problem is too collossal to be solved by a single bureau at Washington. Our State governments are in a different position than the national government in meeting the housing problem. The political problem is lessened in degree. The number of geographical interests to be served are much smaller. But, above all, in State legislation there is the opportunity to try out various methods of building, aiding and financing housing. There are innumerable suggestions in the experiences of Canada, South America and Australia, as well as European countries. Some will fit the local conditions and habits of one part of the country and some another. American ingenuity will find new means of meeting this problem. The solution of the housing problem of a comparatively newly settled agricultural state will be different from that of New York with its great cities. Some states may use their insurance funds, other their farmers' banks, as sources for building loans. Ultimately all these experiments may be used by the National Government as the basis for the organization of a great central bureau. But that will be a problem of the distant future. In the same manner that the States have tried out women suffrage, minimum wage, compensation and child-labor laws, so now they should undertake experimentation and careful study of their local housing conditions. We may have failures on the part of individual states through choice of means that do not meet the social conditions of the State. But how insignificant such failure would be and how easily remedied as compared to a failure on the part of a Federal housing administration.

It would be manifestly impossible to fill all the needs for housing everywhere. It does not seem to me that this is the time to create a national housing fund of any kind. It seems clear to me that the individual states should themselves work out systems of State credits for State purposes. Out of intelligent attempts to solve the question on this small scale, we can evolve a national housing policy.

With the control centered in each State, people will be in more direct and more democratic control of their housing funds and their application to local conditions. I am therefore not an advocate at this time of a Federal system of housing loans, although a central housing bureau for the coordination of all available material is desirable and even necessary, but this is something quite distinct from creating a national housing fund.

No problem of reconstruction has such far reaching implications as this problem of housing. Shall this country remain in the dark ages of inadequate and un-American housing, endangering the health and morals of future generations of our citizenship? Or shall we go forward with the times, and enter the new era of our democracy with an enlightened interest in the fundamental needs of our cities and our citizenship for well-planned communities that serve the industrial, commercial and social needs of the people, and homes that make for a stabilized, self-respecting, wholesome family life?

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It would be manifestly impossible to fill all the needs for housing everywhere. It does not seem to me that this is the time to create a national housing fund of any kind. It seems clear to me that the individual states should themselves work out systems of State credits for State purposes. Out of intelligent attempts to solve the question on this small scale, we can evolve a national housing policy.

With the control centered in each State, people will be in more direct and more democratic control of their housing funds and their application to local conditions. I am therefore not an advocate at this time of a Federal system of housing loans, although a central housing bureau for the coordination of all available material is desirable and even necessary, but this is something quite distinct from creating a national housing fund.

No problem of reconstruction has such far reaching implications as this problem of housing. Shall this country remain in the dark ages of inadequate and un-American housing, endangering the health and morals of future generations of our citizenship? Or shall we go forward with the times, and enter the new era of our democracy with an enlightened interest in the fundamental needs of our cities and our citizenship for well-planned communities that serve the industrial, commercial and social needs of the people, and homes that make for a stabilized, self-respecting, wholesome family life?

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